

SENATE

BILL NO. 415

Griffith

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE ENVIRONMENTAL QUALITY PROTECTION FUND ALLOWS FOR PRIVATE FUNDS TO BE DONATED TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES TO REMEDIATE A SPECIFIC RELEASE AT A SPECIFIC FACILITY; AMENDING SECTION 75-10-704, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 75-10-704, MCA, is amended to read:

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

(2) The fund may be used by the department only to carry out the provisions of this part and for remedial actions taken by the department pursuant to this part in response to a release of hazardous or deleterious substances.

(3) The department shall:

(a) except as provided in subsection (7), establish and implement a system for prioritizing sites for remedial action based on potential effects on human health and the environment; and

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

(4) There must be deposited in the fund:

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

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

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

(d) funds received from the interest income of the resource indemnity trust fund pursuant to

1 15-38-202.

2 (5) Whenever a legislative appropriation is insufficient to carry out the provisions of this part and
3 additional money remains in the fund, the department shall seek additional authority to spend money from
4 the fund through the budget amendment process provided for in Title 17, chapter 7, part 4.

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

8 (7) (a) There is established a state special revenue account for all funds donated or granted from
9 private parties to remediate a specific release at a specific facility. There must be deposited into the
10 account the interest income earned on the account. Private parties are not liable under 75-10-715 solely
11 as a result of their contribution to this account.

12 (b) Funds donated or granted for a specific project pursuant to this subsection (7) must be
13 accumulated in the fund until the balance of the donated or granted funds is sufficient, as determined by
14 the department and the grantor, to remediate the facility pursuant to the requirements of 75-10-721 for
15 which the funds are donated.

16 (c) If the balance of the fund created in this subsection (7), as determined by the department and
17 the grantor pursuant to the requirements of 75-10-721, is not sufficient to remediate the facility within 1
18 year from the date of the initial contribution, all donated or granted funds, including any interest on those
19 donated or granted funds, must be returned to the grantor.

20 (d) If the balance for a specific project is determined by the department and the grantor to be
21 sufficient to remediate the facility pursuant to the requirements of 75-10-721, the department shall give
22 that site high priority for remedial action, using the funds donated under this subsection (7).

23 (e) This subsection (7) does not diminish the authority of the department to investigate, negotiate,
24 and take legal action, as appropriate, to identify liable persons, to obtain the participation and financial
25 contribution of liable persons for the remedial action, to achieve remedial action, and to recover costs and
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28 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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12 (D) THIS SUBSECTION DOES NOT MINIMIZE THE LIABILITY, LESSEN THE STANDARD OF
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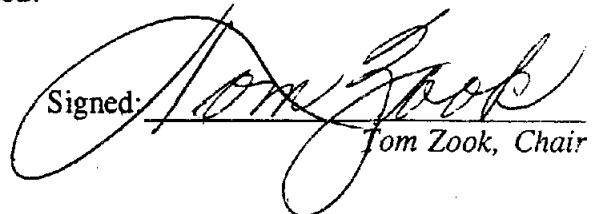


HOUSE STANDING COMMITTEE REPORT

March 24, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that Senate Bill 415 (third reading copy -- blue) be concurred in as amended.

Signed: 
Tom Zook, Chair

Carried by: Rep. Quilici

And, that such amendments read:

1. Page 2, line 24.

Following: "(7)"

Strike: "does not"

Insert: "is not intended to interfere with or to"

Following: "authority"

Insert: "or actions"

2. Page 2, line 27.

Following: "state."

Insert: "Subsections (7) and (8) do not pertain to facilities where the department has initiated actions under this part."

3. Page 3, line 10.

Following: "CONDUCT OF"

Strike: "THE REMEDIAL ACTION CONTRACTOR"

Insert: "the entity providing in-kind services"

4. Page 3

Following: line 15

Insert: "(e) Any donated in-kind services that are employed as part of a remedial action pursuant to this subsection (8) must be approved by the department as appropriate remedial action."

-END-

SB 415

Committee Vote:

Yes 18, No 0.

HOUSE