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HOUSE BILL NO. 498

INTRODUCED BY G. BRANAE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT SOLID WASTE MANAGEMENT DISTRICT SERVICE CHARGES MAY BE BASED ON A COMBINATION OF WASTE MANAGEMENT FACTORS; ELIMINATING VEHICLE SIZE AS A FACTOR ON WHICH SERVICE CHARGES MAY BE BASED; AMENDING SECTION 7-13-232, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, section 75-10-102(1)(e), MCA, provides that it is the public policy of the state of Montana that "costs for the management and regulation of solid waste management systems should be charged to those persons generating solid waste in order to encourage the reduction of the solid waste stream"; and

WHEREAS, appointed solid waste boards may assess service charges on only one of several factors available to determine usage by persons in a solid waste management district; and

WHEREAS, a fixed assessment on family residential units does not accurately charge all users for waste generated; and

WHEREAS, service charges based on a combination of factors are more equitable to all the users of a solid waste system and promote the greatest reduction in the waste stream.

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

**Section 1.** Section 7-13-232, MCA, is amended to read:

**"7-13-232. Determination of service charge.** (1) The board may establish, by resolution, rates for service charges, which may not be less than the actual cost of providing services. For solid waste management districts other than joint districts, the rates must be subject to the approval of the county commissioners.

(2) Service charges may take into account:

(a) the character, kind, and quality of service; and

(b) the cost of providing the service, including but not limited to depreciation and the payment of principal and interest on money borrowed by the district for the acquisition and improvement of facilities

1 and equipment.

2 (3) (a) Service charges may be assessed per family residential unit or based on:

3 ~~(i) the size of a vehicle used to dispose of the waste;~~

4 ~~(ii)(i) the volume or weight of the waste; or~~

5 ~~(iii)(ii) the cost, incentives, or penalties applicable to waste management practices; or~~

6 ~~(iv)(iii) any combination of these factors.~~

7 (b) The service charge assessed to a family residential unit in which a home-based business is  
8 operated may not exceed the service charge assessed to a family residential unit without a home-based  
9 business unless there is a finding by the solid waste management district or joint district that the family  
10 residential unit with a home-based business is generating at least 20% more waste than the average for  
11 family residential units in the district that do not contain home-based businesses.

12 (4) The initial rate for any solid waste management district or joint district may not exceed the rate  
13 provided in the resolution creating the district.

14 (5) Fees for mobile home park accounts must be paid by the registered owner of each mobile  
15 home in the mobile home park.

16 (6) A notice of intention to enact a resolution to increase rates must be published as provided in  
17 7-1-4128, and the district shall hold a public hearing prior to the meeting at which the resolution is  
18 considered."

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20 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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