



AN ACT REVISING THE PROVISIONS OF THE ENVIRONMENTAL REHABILITATION AND RESPONSE ACCOUNT; AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE ENVIRONMENTAL REHABILITATION AND RESPONSE ACCOUNT FOR THE CLEANUP OF SOLID WASTE SITES; AMENDING SECTION 75-1-110, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1.** Section 75-1-110, MCA, is amended to read:

**"75-1-110. Environmental rehabilitation and response account.** (1) There is an environmental rehabilitation and response account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) fine and penalty money received pursuant to 75-10-1223, 82-4-311, and 82-4-424 and other funds or contributions designated for deposit to the account;

(b) unclaimed or excess reclamation bond money received pursuant to 82-4-241, 82-4-311, 82-4-424, and 82-4-426; and

~~\_\_\_\_\_and~~

~~(c)~~(c) interest earned on the account.

(3) Money in the account is available to the department of environmental quality by appropriation and must be used to pay for:

(a) reclamation and revegetation of land affected by mining activities, research pertaining to the reclamation and revegetation of land, and the rehabilitation of water affected by mining activities;

(b) reclamation and revegetation of unreclaimed mine lands for which the department may not require reclamation by, or obtain costs of reclamation from, a legally responsible party;

(c) remediation of sites containing hazardous wastes as defined in 75-10-403, or hazardous or deleterious substances as defined in 75-10-701, or solid waste as defined in 75-10-203; ~~for which the department may not recover costs from a legally responsible party; or~~

(d) response to an imminent threat of substantial harm to the environment, to public health, or to public safety for which no funding or insufficient funding is available pursuant to 75-1-1101.

~~(4)~~(4) Any unspent or unencumbered money in the account at the end of a fiscal year must remain in the account until spent or appropriated by the legislature."

**Section 2. Effective date.** [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,  
HB 0075, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

HOUSE BILL NO. 75

INTRODUCED BY K. VAN DYK

BY REQUEST OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY

AN ACT REVISING THE PROVISIONS OF THE ENVIRONMENTAL REHABILITATION AND RESPONSE ACCOUNT; AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE ENVIRONMENTAL REHABILITATION AND RESPONSE ACCOUNT FOR THE CLEANUP OF SOLID WASTE SITES; AMENDING SECTION 75-1-110, MCA; AND PROVIDING AN EFFECTIVE DATE.