

SENATE BILL NO. 375
INTRODUCED BY ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT RESTRICTING THE USE OF BALED WASTE TIRES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Waste tire bales prohibited -- exception.** (1) Waste tires that are mechanically compressed or baled and bound together with cable, straps, wires, or other nonpermanent mechanical devices may not be used for ~~any aboveground purpose unless they are encased in concrete or a similar material that will maintain the integrity of the bale upon failure of the bale restraining devices~~ AS A BOUNDARY FENCE BETWEEN ADJACENT PRIVATE PROPERTIES.

(2) Waste tire bales, as described in subsection (1), may ~~not be placed under water under any circumstances~~ BE USED ONLY IN COMMERCIAL APPLICATIONS SUCH AS SOIL EROSION CONTROL, RETAINING WALLS, CORRALS, INTERIOR FENCING, SAFETY USES, STREAMBANK STABILIZATION, OR STATE CIVIL ENGINEERING PROJECTS.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 1].

NEW SECTION. **SECTION 3. SAVING CLAUSE.** [THIS ACT] DOES NOT AFFECT RIGHTS AND DUTIES THAT MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE OF THIS ACT].

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

NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to occurrences after January 1, 2002.

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