

HOUSE BILL NO. 146

INTRODUCED BY K. HANSEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE DEPARTMENT OF ENVIRONMENTAL QUALITY
5 FROM COLLECTING ANNUAL LICENSE FEES FOR A SOLID WASTE FACILITY UNTIL THE FACILITY
6 RECEIVES SOLID WASTE; PROHIBITING THE DEPARTMENT FROM INCREASING APPLICATION FEES TO
7 OFFSET CHANGES IN CERTAIN ANNUAL LICENSE FEE REQUIREMENTS; REQUIRING THE DEPARTMENT
8 TO JUSTIFY THE COSTS OF A LICENSE APPLICATION FEE IF REQUESTED; AMENDING SECTION
9 75-10-115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

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13 **Section 1.** Section 75-10-115, MCA, is amended to read:

14 **"75-10-115. Solid waste management fee.** (1) The department may prepare rules for adoption by the
15 board, pursuant to 75-10-104 and 75-10-106, that set fees for the management and regulation of solid waste at
16 facilities subject to regulation pursuant to part 2 of this chapter. Upon adoption by the board, the department may
17 collect the fees. These fees may include:

18 (a) except as provided in subsection (2)(b), a license application fee that reflects the cost of reviewing
19 a new solid waste management system or a substantial change to an existing facility; from the time an application
20 is made through the time conditions attached to an application are approved by the department. The department
21 shall also provide a justification for review costs if requested by an applicant.

22 (b) except as provided in subsection (2)(a), a flat annual license renewal fee that reflects a minimal base
23 fee related to the fixed costs of an annual inspection and license renewal and that is based upon the
24 categorization of solid waste management systems into separate classes identified by the following criteria:

25 (i) the quantity of solid waste received by the solid waste management system;

26 (ii) the nature of the solid waste received; and

27 (iii) the nature of the waste management occurring within the solid waste management system; and

28 (c) a tonnage or volume-based fee on solid waste disposal.

29 (2) (a) An annual license renewal fee may not be collected until a solid waste management system
30 receives solid waste.

1 (b) The department may not increase license application fees to offset the prohibition provided for in
 2 subsection (2)(a).

3 ~~(2)(3)~~ All fees collected must be deposited in the solid waste management account provided for in
 4 75-10-117."

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

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 8 **NEW SECTION. Section 3. Applicability.** [This act] applies to fees collected after [the effective date
 9 of this act].

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