

HOUSE BILL NO. 146

INTRODUCED BY K. HANSEN

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

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

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

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

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

(b) ~~except as provided in subsection (2)(a);~~ a flat annual license renewal fee that reflects a minimal base fee related to the fixed costs of an annual inspection and license renewal, ~~and that is~~ THE INITIAL ANNUAL FEE YEAR FOR A NEW FACILITY COMMENCES ON THE DATE THAT THE FACILITY INITIALLY RECEIVES WASTE. THE FEE MUST BE based upon the categorization of solid waste management systems into separate classes identified by the following criteria:

- (i) the quantity of solid waste received by the solid waste management system;
- (ii) the nature of the solid waste received; and
- (iii) the nature of the waste management occurring within the solid waste management system; ~~and.~~

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

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

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

6 ~~(2)(3)(2)~~ All fees collected must be deposited in the solid waste management account provided for in
7 75-10-117."

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

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

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