

HOUSE BILL NO. 30

INTRODUCED BY S. GUNDERSON

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE LIBBY ASBESTOS SUPERFUND SITE CLEANUP; ELIMINATING THE LIAISON POSITION; RENAMING THE ADVISORY TEAM AS THE OVERSIGHT COMMITTEE AND ADDING DUTIES; AMENDING SECTIONS 75-10-1601 AND 75-10-1604, MCA; REPEALING SECTION 75-10-1602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 75-10-1601, MCA, is amended to read:

**"75-10-1601. Libby asbestos superfund ~~advisory team~~ oversight committee -- duties.** (1) There is a Libby asbestos superfund ~~advisory team~~ oversight committee. The ~~advisory team~~ oversight committee is attached to the department of environmental quality for administrative purposes only, as prescribed in 2-15-121.

(2) The ~~advisory team~~ oversight committee consists of:

- (a) the director of the department of environmental quality or the director's designated representative;
- (b) a Lincoln County commissioner designated by the commission;
- (c) a citizen of Lincoln County nominated by the Lincoln County commission and selected by the

governor;

(d) one member of the house of representatives whose district includes at least a portion of Lincoln County appointed by the speaker of the house; and

(e) one member of the senate whose district includes at least a portion of Lincoln County appointed by the senate president.

(3) The ~~advisory team~~ oversight committee shall select a presiding officer.

(4) The ~~advisory team~~ oversight committee shall meet at least quarterly to fulfill the requirements of this section.

(5) Duties of the ~~advisory team~~ oversight committee include to:

- (a) monitoring activities related to the Libby asbestos superfund site;

1 (b) assisting in the implementation of final cleanup and long-term operation and maintenance plans for  
 2 the Libby asbestos superfund site;

3 (c) reviewing documents and providing comments and recommendations to the department of  
 4 environmental quality and to local governments and appropriate federal agencies regarding the Libby asbestos  
 5 superfund site;

6 (d) assisting in the preparation and dissemination of reports and other information as necessary;

7 ~~(e)~~ advise providing recommendations to the department of environmental quality regarding the  
 8 administration of:

9 (i) the Libby asbestos cleanup trust fund provided for in 75-10-1603; and

10 ~~(b)(ii) advise the department of environmental quality regarding the administration of the Libby asbestos~~  
 11 cleanup operation and maintenance account provided for in 75-10-1604; and

12 ~~(c)(f) recommend tasks and work priorities for the Libby asbestos superfund liaison initiating and striving~~  
 13 to maintain negotiations with the department of environmental quality, the environmental protection agency, and  
 14 any other entity with a goal of reducing the state and federal roles in the long-term operation and maintenance  
 15 work at the Libby asbestos superfund site while increasing the role of Lincoln County in expending funds and  
 16 managing and implementing operation and maintenance activities; and

17 (g) submitting a report to the environmental quality council by July 1 of each year.

18 (6) Unless otherwise provided by law, each member is entitled to be reimbursed for travel expenses, as  
 19 provided for in 2-18-501 through 2-18-503, incurred while performing ~~advisory team~~ oversight committee duties."  
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21 **Section 2.** Section 75-10-1604, MCA, is amended to read:

22 **"75-10-1604. Libby asbestos cleanup operation and maintenance account.** (1) There is a Libby  
 23 asbestos cleanup operation and maintenance account in the state special revenue fund established in 17-2-102.  
 24 Subject to appropriation by the legislature, money deposited in the account must be used for:

25 (a) cleanup and long-term operation and maintenance costs at the Libby asbestos superfund site; and

26 (b) administrative costs for the Libby asbestos superfund ~~advisory team and the Libby asbestos~~  
 27 ~~superfund liaison~~ oversight committee, not to exceed 25% of the annual appropriation.

28 (2) The following funds must be deposited in the account:

29 (a) 80% of the funds allocated for the cleanup and long-term operation and maintenance costs pursuant  
 30 to 75-10-704;

1 (b) money received by the department of environmental quality in the form of grants, gifts, transfers,  
2 bequests, and donations, including donations limited in their purpose by the grantor, or appropriations from any  
3 source intended to be used for the purposes of this account; and

4 (c) any interest or income earned on the account.

5 (3) Any unspent or unencumbered money in the account at the end of a fiscal year must be transferred  
6 to the Libby asbestos cleanup trust fund."

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8 **NEW SECTION. Section 3. Repealer.** The following section of the Montana Code Annotated is  
9 repealed:

10 75-10-1602. Libby asbestos superfund liaison.

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

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