

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By Chairman Ethel Harding, on January 19, 1989, at 1:00 p.m.

ROLL CALL

Members Present: Chairman Ethel Harding, Vice Chairman Bruce D. Crippen, Senator Tom Beck; Senator Eleanor Vaughn, Senator H.W. "Swede" Hammond, Senator Mike Walker, Senator Gene Thayer, Senator Paul Boylan

Members Excused: None

Members Absent: 1, Sen. R.J. "Dick" Pinsoneault

Staff Present: Connie Erickson, Legislative Council; Dolores Harris, Committee Secretary

Announcements/Discussion: Chairman Harding requested that Senator Crippen chair the meeting so that she could present SB 119.

HEARING ON SENATE BILL 119

Presentation and Opening Statement by Sponsor: Senator Harding stated that SB 119 is an act to allow the Department of Health and Environmental Sciences to pay a county more than \$1.00 per vehicle licensed in the county if the county needs it for junk vehicle collection; clarifying the meaning of motor vehicle; amending Section 75-10-534, MCA; and providing a July 1, 1989 effective date.

Currently, counties are eligible to receive an annual junk vehicle program grant in the amount of up to one dollar per vehicle registered in the county. This level of funding is sufficient for the majority of the counties. However, a number of counties have requested a change in the law to enable them to receive supplemental junk vehicle collection funds. These counties either have more junk vehicle hauling requests than their annual budget can accommodate or have special clean up projects such as river cleanups which,

because of additional collection costs, can not be funded within the constraints of their annual budget.

The additional funding for these projects would come from unexpended county grants. If no excess funds were available, additional collection grants would not be approved. Therefore, this bill would not require additional revenue.

List of Testifying Proponents and What Group they Represent:

John Geach representing State Dept. of Health  
Rick Larson, President of Montana Environmental Health Association  
Chris Kaufman represents Montana Environmental Information Center  
Dan Powers representing Butte-Silver Bow Health Dept.  
Dwayne Robertson, St. Dept. of Health

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Geach presented testimony from the State Dept. of Health. See Exhibit 1. I urge your support.

Rick Larson gave testimony. See Exhibit 2. Please support this bill.

Chris Kaufman wants the record to show that the Montana Environmental Information Center strongly supports the junk vehicle program and it should be given the flexibility to be able to clean up junk vehicles and our areas around the state think it is a very good program and has shown its effectiveness throughout the years that it has been enacted. We urge you to support this bill before you.

Dan Powers stated that he is a proponent of SB 119. See Exhibit 3.

Questions From Committee Members: Mr. Geach stated that there is a language discrepancy in the bill that may make counties believe that they must be a small county to qualify under this bill. He suggested an amendment be made to Section 2, page 2, line 2 after the word "payment;" "and" be taken out and "or" added. It is not the intent of this bill to limit these funds to small counties.

Senator Thayer asked if you run into the need to remove anything other than motor vehicles, such as all terrain, motorcycles, snowmobiles? Mr. Geach stated that so far that hasn't been a problem in 15 years. Counties are only collecting the fees on passenger cars and trucks. We don't collect a fee on motorcycles and snowmobiles.

Senator Hammond asked what the cost was to collect junk vehicles. Mr. Geach said it varies from county to county. It is up to the county to put together the best program for their needs. Some counties use county personnel and use equipment purchased by the junk vehicle program or in conjunction with the program. Others hire private haulers and wreckers. A good state average is \$50.00 per car.

Senator Hammond asked are these vehicles crushed and hauled away. Are they sold? What happens? The county collects the vehicles and there is no charge to the individual person when a car is picked up. The cost of this program comes from the \$.50 which we currently pay when we relicense your car, truck and on the \$1.50 title transfer fees. That comes back to this program to provide the funds for the county grants. The cars and trucks are collected and put in a county yard that is predesignated in each county. When 200 vehicles are accumulated in that location we contract out on the state level for bids for those vehicles. The crushers pay for the cars for the scrap value. The vehicles are crushed and taken and recycled into fence posts and rebar. They are not quite high quality steel to go back into cars. Who receives the money that they bid for the vehicles? The bids collected go back into the junk vehicle fund.

Senator Boylan asked how much are these junk vehicles worth? Mr. Geach answered that it varies from year to year. The lowest years we had from sales of junk vehicles was \$18,000 and the highest amount we had was in 1981 when the market was really high the amount brought in was \$250,000.

Senator Hammond asked about the junk vehicles that have been placed in streams to inhibit bank deterioration, are you going to get into that also? That would be an expensive proposition. Mr. Geach stated that when we get into a bank cleanup situation we may be using cranes and it's going to be more expensive to remove those cars. Senator Boylan said we are not supposed to upset the river banks. All of the necessary permits

and environmental regulations must be met.

Mr. Geach stated that the program was initially set up to take care of cars that wrecking yards didn't want. If you have a car that's older than 10 years, chances are the wrecking yard doesn't want it. There is just not enough saleable parts on it or it's rusted out. They want good quality stuff. Those are the vehicles we get in the program. We do not want to compete with private industry.

Senator Boylan stated that 310, stream bank preservation, won't allow anyone to upset the course of the river. Senator Hammond asked if with this bill do you have the authority, if you have the money, to go in and disturb those river banks? Mr. Geach stated we would have to insure that all the permits that were necessary were obtained. This bill gives the funding to allow the counties to do that, but there may be some situations where the counties would want to do that. We only pick up cars that are released to us. We would have to have permission of land owner to release cars. We do not have the right to go in and disturb a stream embankment.

Senator Beck asked about the statement that this bill is contingent upon HB 111, which evidently must be going to raise the fees. After 15 years haven't you got most of the junk vehicles cleaned up? In the history of the program we have removed 120,000 junk vehicles from the state. The last three years we have seen an increase in the number of vehicles we're getting into the program and we're currently averaging over 7,000 vehicles a year coming into the program. The influx of cars of the recent years are cars of the 70s that have finally given up the ghost. Senator Beck stated the junk car dealers strive to get these older automobiles. In fact, they have a problem with robbing the graveyards where you're storing these vehicles. Isn't that contrary to business in the communities around the state? Mr. Geach stated that for the most part, they get cars that have been stripped of all useful parts. Also, when people call in and asked the county to come get a car, the counties tell them to get a wrecking yard because we don't want to destroy classics.

Senator Walker stated the fire department uses car from the county yard in Great falls to train in identification exercises and it's tough to find cars that have parts on them, because midnight auto specialists make their visits and they pretty well ransack those vehicles.

Senator Beck asked do the junk car dealers ask the county to pick up these cars after they have stripped them out? There are some people that try to use this program that way. We try to discourage this and think most of our business is from citizens that just want to get rid of an inoperable vehicle. Do junk car dealers have contracts with the counties to haul their cars to the junk car graveyard? Quite a few of the counties do have a contract with private individuals.

Closing by Sponsor: Senator Harding stated this was a good hearing and this is a good bill and we ought to pass it.

Vice Chairman Crippen passed the chair back to Chairman Harding.

#### DISPOSITION OF SENATE BILL 119

Discussion: Chairman Harding asked Connie Erickson about the amendment of the two words on Section 1, page 2, line 2. Mrs. Erickson said yes, we'll change after the word payment; "and" to "or".

Senator Beck asked if this bill is necessary if HB 111 doesn't pass. SB 119 will be held in committee until we see what happens to HB 111 because it is contingent upon HB 111. HB 111 will raise the fees to \$1.00 from \$.50. If HB 111 is given a go ahead, we will prepare a coordinating clause. Senator Beck asked if there is any excess funds in the junk vehicle fund or if counties are using it to finish other projects? The law states these funds must be used for junk vehicles and can not be used for anything else. Senator Vaughn stated they give back to the counties fund according to the number of cars licensed in their counties. This would allow the state to give more to counties that have more needs than funds. Senator Vaughn stated there is money in the fund now but they aren't allowed to give more than their allotted share to any county. This bill would allow counties to apply for more funds for special needs.

Senator Beck asked if there is a big trust fund and some county gobbles it up. Where is the excess going at present? Dwayne Robertson answered that the counties returned their unused junk motor vehicle funds at the end of the year. So the state is looking to make these funds available for special projects. He stated the department would not object to a cap; and they do not intend that a county could come in with a

\$100,000 request. What's in the fund right now? In 1987 the legislature transferred \$500,000 from the junk vehicle fund to the general fund and pretty much depleted the fund. Thus HB 111 is necessary to keep the program running at its present level. Senator Beck asked if HB 111 doesn't pass, will this bill be necessary? Dwayne Robertson answered we would not want this to pass either. What is the status of HB 111. Mr. Robertson answered it was heard January 18, 1989, but it will be awhile before the committee makes a decision.

Amendments and Votes: Senator Harding stated we'll AMEND Section 1, page 2, line 2 after the word payment; "and" is deleted and "or" is added.

Discussion and Votes: Senator Vaughn made a MOTION to DO PASS AS AMENDED. Motion passed UNANIMOUSLY.

Senator Hammond MOVED to HOLD SB 119 in committee for a few more days. Motion PASSED UNANIMOUSLY. The committee agreed to wait and write a coordinating clause if HB 111 passes the house.

#### EXECUTIVE ACTION ON HOUSE BILL 41

Discussion: Chairman Harding stated that Mrs. Erickson was going to research whether or not states could write mutual aide pacts across the Canadian border. Mrs. Erickson stated preliminary research shows that international agreements have to be made through the Secretary of State or the International Joint Commission which deals with boundary issues. Montana's agreements have been primarily water or cultural exchanges.

Senator Hammond mentioned the Montana-Canadian Border Commission. Mrs. Erickson stated that it appears that because Canada is a foreign country, agreements of that nature are not legally binding.

Senator Hammond stated that he is a member of the Border Commission and the object of the commission is to try to do things between Montana and Alberta, and Montana and Saskatchewan without going through Ottawa and Washington, D.C. Senator Vaughn asked about British Columbia. Senator Hammond stated they have never indicated a desire to belong.

Senator Tveit will carry HB 41 to the floor.

Recommendation and Vote: Senator Walker made a MOTION that we DO PASS HB 41. The vote was UNANIMOUS in favor of the MOTION.

DISCUSSION OF SENATE BILL 44

Senator Beck stated that there was a major decision made in the Department of Natural Resources not to go along with the Northwest Power Planning Council's energy codes. This bill was part of that energy application. It has been brought to my attention now that we should table this bill or withdraw it. There is a lot of opposition to this bill. Senator Beck WITHDRAWS as sponsor of this bill.

DISCUSSION OF SENATE BILL 35

Senator Thayer asked the status of SB 35, Senator Weeding's bill regarding county retirement homes? Senator Walker thought that Senator Weeding was preparing an amendment himself as he was considering tying it to a mandatory vote. Mrs. Erickson stated there is a \$500,000 limit that a county can spend that amount to purchase a building. Senator Beck stated that counties can issue bonds up to \$500,000 without going to an election. Senator Farrell wants the building of retirement homes to go to election, no matter what the cost.

Senator Thayer asked if Rosebud County Commissioners had exhausted the search for private enterprise and he's suggesting that we insert in the bill that counties must search for private financing to do the job. Senator Beck asked if that would that be constitutional?

Senator Hammond stated that this bill is a parasitical instrument. If a property owner in the county owns 95% of the property, the voters will vote for anything. The county commissioner told me that the Coalstrip Power Co. will pass the cost onto the rate payers. Senator Hammond responded that he understood that we are the ones who pay and that makes it more parasitical than ever.

Senator Crippen asked if a retirement home district is similar to conservation districts, lighting districts, and things like that? Mrs. Erickson stated that it probably could be. In a district your vote is proportionate to the land you own. Senator Hammond talked about several communities in a county voting and forcing another community to accept that decision.

Senator Harding stated this is all new language and so they

have made a new law to fit this county retirement home because it is not in the statutes. Does the committee want to speak to Senator Weeding and see if he wants to have this made into a county retirement home district such as other SIDs? Are you interested in something like that? This is new legislation. Senator Beck said he would like to have districts added into this legislation. Senator Crippen stated that your vote is weighted according to your assessed value. Senator Vaughn mentioned limiting boundaries, too and you then have a governing board. Senator Beck stated that in creating a district, the people in the district either oppose or approve quite vocally. If the people of Forsyth really want one they can make the town of Forsyth the district.

Chairman Harding asked about drafting a committee bill. Mrs. Erickson will research and see if we have to write a new bill or amend this one.

ADJOURNMENT

Adjournment At: 2:00 p.m.

  
SENATOR ETHEL HARDING, Chairman

EH/dh

minutes.119



STANDING COMMITTEE REPORT

January 19, 1989

MR. PRESIDENT:

We, your committee on Local Government, having had under consideration HB 41 (third reading copy -- blue), respectfully report that HB 41 be concurred in.

BE CONCURRED IN

Signed:

*Ethel M. Harding*  
Ethel M. Harding, Chairman

*notes  
that report will carry  
this H.B. in the Senate*

*J.C. 1/18/89  
8:31 a.m.*

SB119

Sponsor's Introduction

"An act to allow the Department of Health and Environmental Sciences to pay a county more than \$1.00 per vehicle licensed in the county if the county needs it for junk vehicle collection; clarifying the meaning of motor vehicle; amending Section 75-10-534, MCA; and providing a July 1, 1989 effective date."

Currently, counties are eligible to receive an annual junk vehicle program grant in the amount of up to one dollar per vehicle registered in the county. This level of funding is sufficient for the majority of the counties. However, a number of counties have requested a change in the law to enable them to receive supplemental junk vehicle collection funds. These counties either have more junk vehicle hauling requests than their annual budget can accommodate or have special clean up projects such as river cleanups which, because of additional collection costs, can not be funded within the constraints of their annual budget.

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SB119

## Department of Health Testimony

"An act to allow the Department of Health and Environmental Sciences to pay a county more than \$1.00 per vehicle licensed in the county if the county needs it for junk vehicle collection; clarifying the meaning of motor vehicle; amending Section 75-19-534, MCA; and providing a July 1, 1989 effective date."

History

In 1973 legislation was passed establishing the State Junk Vehicle Program. This legislation requires each county to develop a program to control, collect and store junk vehicles for its residents. The State Department of Health & Environmental Sciences is given the authority to review and approve the County Junk Vehicle Program budgets. Counties are eligible to receive up to one dollar per vehicle under 8001 pounds registered in their county.

This legislation was amended by the 1975 legislature to allow counties with less than 5,000 vehicles registered to receive annual junk vehicle grants of up to \$5,000.

Funding Shortfalls

A portion of the counties in the state produce more junk vehicles yearly than can be collected with their annual junk vehicle grant. These counties experience the problem of citizens requesting more junk vehicle collection service than their annual budget can provide.

Other counties occasionally get requests to remove junk vehicles from difficult terrain such as river banks or heavily forested areas. The costs to remove junk vehicles from these locations is increased due to the special equipment or additional labor required.

Counties Request Assistance

In the past, a number of counties have requested supplemental junk vehicle funds for additional junk vehicle collection or special clean up projects. During a meeting last spring with the county junk vehicle directors from throughout the state, this problem was raised by several counties including Lincoln, Madison and Roosevelt. However, the present law prohibits the department from approving county junk vehicle grants over the one dollar per vehicle registered ceiling.

Supplemental Funds Available

County junk vehicle programs typically spend 85% to 95% of their annual junk vehicle grants. The remaining balance of these funds could be made

available to fund requests from counties for supplemental collection projects. It is anticipated that 25 to 30 thousand dollars may be available annually for these projects. However, this revenue is contingent on the proposed junk vehicle fee increase, HB111.

#### Funding Criteria

If SB119 is enacted, counties would apply to the Department for supplemental vehicle collection funding. The counties would have to demonstrate that (1) Their current collection program is cost effective, (2) additional junk vehicles could be collected with supplemental funds and (3) these additional funds would be used exclusively for vehicle collection and not for program administration.

If additional funds were available, these requests would be considered on a project by project basis.

#### Motor Vehicle Clarified

The terminology of "motor vehicle" is being changed to coincide with the language used in MCA 61-3-508, dealing with junk vehicle fee assessments.

The department urges your consideration and passage of SB119.

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*Return back 5/16/75 to the State.*

<u>HB-111</u>		
1973-	4 <sup>00</sup>	1.00
1975-	1 <sup>50</sup>	.50
		<hr/>
		1.51

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 2

DATE 1-19-89

BILL NO. 119

Testimony for ~~SB~~ SB 119

Mr. Chairman, Members of the Committee,  
for the record, my name is Rick Larso.  
I am the president of the Montana  
Environmental Health Association.

The Montana Environmental Health Association  
wholeheartedly supports ~~SB~~ SB 119.

Many ~~more~~ of Montana's counties are  
only eligible for the minimum junk vehicle  
grant amount of \$5,000 per year. In  
some cases this is not even 1/4 of

SENATE LOCAL GOVERNMENT

EXHIBIT NO. 3

DATE 1-19-89

BILL NO. 119

Mr. Chairman, members of the committee,  
For the record, my name is Dan Powers  
I am a sanitarian for the Butte-Silver  
Bow Health Dept.

I am a proponent of Senate Bill 119.

Since 1973 when the Legislature passed  
Montana's Junk Vehicle Law, Silver Bow  
County has removed over 4,000 junk vehicles  
from its streets, roadways, and countryside.

While the program has been adequately  
funded through the years to remove most of  
the junk vehicles in our county, some junk  
vehicle eyesores ~~still~~ exist which need  
additional funding and attention.

# MISSOULA COUNTY

SB 119

BOARD OF COUNTY COMMISSIONERS

1-19-89

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

BCC-89-056

January 23, 1989

Ethel Harding, Chairman  
Senate Local Government Committee  
Montana State Senate  
Capitol Station  
Helena, MT 59624

Dear Chairman Harding and Committee Members:

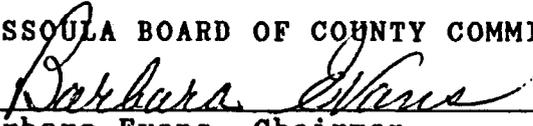
We are writing in support of SB-119, which would provide funds for special junk vehicle clean-ups. If this bill is not passed, funds for special clean-ups would be lost to junk vehicle budgets for FY '90.

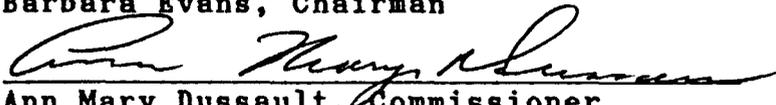
Funds provided under this bill would allow the local junk vehicle programs to continue to do special clean-ups, such as abandoned junk yards or river clean-ups, important considerations in terms of Montana's promotion of tourism and keeping our rivers clean. The Missoula County Junk Vehicle Program was able to accomplish six river clean-ups with these funds last year, and there are some other large clean-up jobs that remain to be done here that we otherwise don't have the funds to accomplish. This program has done a lot towards removing some of the worst eyesores that always used to assault the eye as one drove across Montana. If the program is continued, more of these kinds of problems can be dealt with.

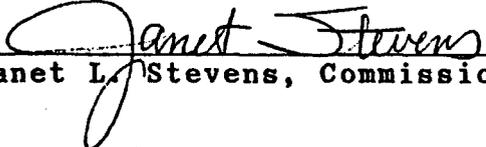
Thank you for your consideration of these remarks.

Sincerely,

MISSOULA BOARD OF COUNTY COMMISSIONERS

  
Barbara Evans, Chairman

  
Ann Mary Dussault, Commissioner

  
Janet L. Stevens, Commissioner

BCC/lm

cc: Toni McOmber, Junk Vehicle Field Specialist  
Missoula Legislative Delegation

JOHN MUSTER  
Commissioner

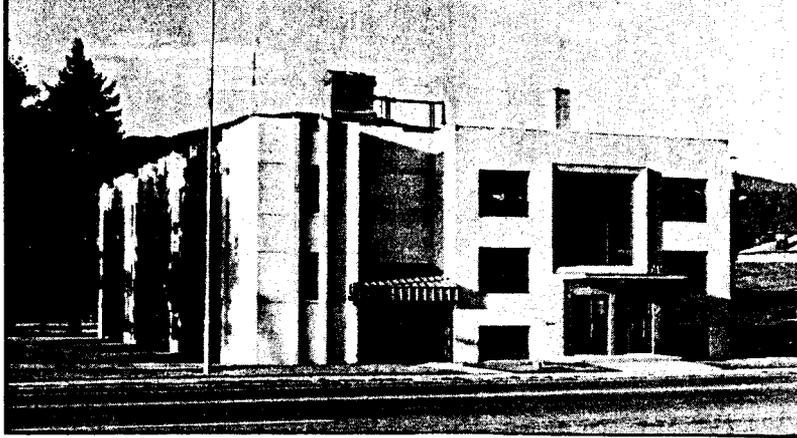
NORMAN E. RESLER  
Commissioner

ROY M. DeLONG  
Commissioner

DIXIE VAUGHT  
Clerk & Recorder

JUNE M. THAYER  
Treasurer - Supt. of Schools

PATRICIA N. ELDRIDGE  
Assessor



CAROL THOMAS  
Clerk of District Court

CLAUDE I. BURLINGAME  
Attorney

JAMES B. DOXTATER  
Sheriff

DIANNE K. FRANKE  
Administrator

MARK A. DENKE  
Coroner

ROBERT BEITZ  
Justice of the Peace

SB-119  
1/19/89

# COUNTY OF SANDERS

P.O. Box 519  
Thompson Falls, Montana 59873

January 17, 1989

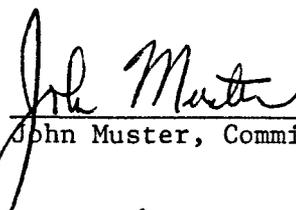
Honorable Ethel M. Harding, Montana State Senator  
Capitol Station  
Helena, MT 59620

Dear Senator Harding,

Despite efficient use of Junk Vehicle Program funds Sander County is unable to recycle many of the "junkers" that detract from the beauty of our County. It is not unusual that we run out of funds to pick up junk vehicles half way through the fiscal year. For these reasons we would like to express our support for Senate Bill 119 which would give the Junk Vehicle Program authority to distribute unused funds to Counties that do not have the funding necessary to pick up all the junk vehicles available. Thank you for your consideration.

Sincerely,  
Board of Sanders County Commissioners

  
Norman E. Resler, Chairman

  
John Muster, Commissioner

  
Roy M. DeLong, Commissioner

# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

SB 119  
1/19/89

BCC-89-056  
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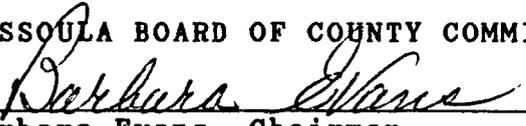
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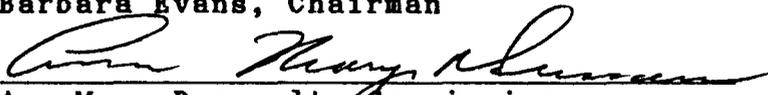
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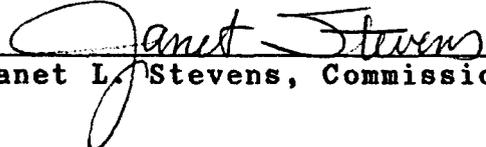
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Ann Mary Dussault, Commissioner

  
Janet L. Stevens, Commissioner

BCC/lm

cc: Toni McOmber, Junk Vehicle Field Specialist  
Missoula Legislative Delegation

SB 119  
1/19/89



CITY-COUNTY HEALTH DEPARTMENT

January 17, 1988

Senator Ethel Harding  
Capital Station  
Helena, MT 59620

Dear Senator Harding:

My name is Toni McOmbler and I am the junk vehicle field specialist for the Missoula County Health Department. I am writing to inform you that I support passage of Senate Bill 119 to provide special funds for the state junk vehicle program.

Missoula County has traditionally had to spend a lot of money to clean up junk vehicles along our beautiful rivers. And along the way there have been other vehicles which, for one reason or another, have been difficult to retrieve.

Therefore, we support the special fund allocation authorized by SB119 because it will ensure that Missoula and other counties have enough revenue to clean up all junk vehicle problems in our state.

Sincerely,

Toni McOmbler  
Junk Vehicle Field Specialist

