

HOUSE BILL NO. 407

1/23 Introduced
1/23 Referred to Local Government
2/07 Hearing
3/27 Committee Report-Bill Pass As Amended
3/30 2nd Reading Do Not Pass
3/30 Bill Killed

HOUSE BILL NO. 407

INTRODUCED BY *Ream, Vollega, Miles, Ramirez, ...*
...
A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL AIR

POLLUTION CONTROL PROGRAM LICENSE REGISTRATION FEE OF \$1.50
TO BE ASSESSED AGAINST CERTAIN MOTOR VEHICLES; AMENDING
SECTION 75-2-301, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Local air pollution control
program license registration fee. A municipality or county
which has a local air pollution control program established
under 75-2-301 may assess a fee of up to \$1.50 on each
passenger car or truck under 8,001 pounds GVW registered for
licensing within the jurisdiction of the local air pollution
control program. The county treasurer shall collect the fee,
which may be used only to fund the local air pollution
control program. The following are exempt from the payment
of the fee:

- (1) a vehicle leased or owned by the state or by a
county or municipality;
- (2) a vehicle used for transportation by a
nonresident, migratory worker temporarily employed in
agricultural work in this state;
- (3) a vehicle displaying dealer's license plates, as

provided in 61-4-103, while owned by a dealer; and
(4) a housetrailer or equipment which is not
self-propelled or which requires towing upon a highway of
this state.

Section 2. Section 75-2-301, MCA, is amended to read:

"75-2-301. Local air pollution control programs. (1) A
municipality or county may establish a local air pollution
control program on being petitioned by 15% of the qualified
electors in its jurisdiction and, if the program is
consistent with this chapter and is approved by the board
after a public hearing conducted under 75-2-111, may
thereafter administer in its jurisdiction the air pollution
control program which:

(a) provides by ordinance or local law for
requirements compatible with, more stringent, or more
extensive than those imposed by 75-2-203, 75-2-212, and
75-2-402 and rules issued under these sections;

(b) provides for the enforcement of these requirements
by appropriate administrative and judicial process; and

(c) provides for administrative organization, staff,
financial, and other resources necessary to effectively and
efficiently carry out its program.

(2) If the board finds that the location, character,
or extent of particular concentrations of population, air
contaminant sources, or geographic, topographic, or



1 meteorological considerations or any combination of these
2 are such as to make impracticable the maintenance of
3 appropriate levels of air quality without an areawide air
4 pollution control program, the board may determine the
5 boundaries within which the program is necessary and require
6 it as the only acceptable alternative to direct state
7 administration.

8 (3) If the board has reason to believe that an air
9 pollution control program in force under this section is
10 inadequate to prevent and control air pollution in the
11 jurisdiction to which the program relates or that the
12 program is being administered in a manner inconsistent with
13 this chapter, the board shall, on notice, conduct a hearing
14 on the matter.

15 (4) If, after the hearing, the board determines that
16 the program is inadequate to prevent and control air
17 pollution in the jurisdiction to which it relates or that it
18 is not accomplishing the purposes of this chapter, it shall
19 require that necessary corrective measures be taken within a
20 reasonable time, not to exceed 60 days.

21 (5) If the jurisdiction fails to take these measures
22 within the time required, the department shall administer
23 within such jurisdiction all of the provisions of this
24 chapter. The department's control program supersedes all
25 municipal or county air pollution laws, rules, ordinances,

1 and requirements in the affected jurisdiction. The cost of
2 the program shall be a charge on the municipality or county.

3 (6) If the board finds that the control of a
4 particular air contaminant source because of its complexity
5 or magnitude is beyond the reasonable capability of the
6 local jurisdiction or may be more efficiently and
7 economically performed at the state level, it may direct the
8 department to assume and retain control over that air
9 contaminant source. No charge may be assessed against the
10 jurisdiction therefor. Findings made under this subsection
11 may be either on the basis of the nature of the sources
12 involved or on the basis of their relationship to the size
13 of the communities in which they are located.

14 (7) A jurisdiction in which the department administers
15 its air pollution control program under subsection (5) of
16 this section may, with the approval of the board, establish
17 or resume an air pollution control program which meets the
18 requirements of subsection (1) of this section.

19 (8) A municipality or county may administer all or
20 part of its air pollution control program in cooperation
21 with one or more municipalities or counties of this state or
22 of other states.

23 (9) A municipality or county may assess a fee as
24 provided in [section 1] and may expend the proceeds of the
25 fee for the purposes provided in subsection (1)."

1 NEW SECTION. Section 3. Codification instruction.
2 Section 1 is intended to be codified as an integral part of
3 Title 61, chapter 3, part 5, and the provisions of Title 61,
4 chapter 3, part 5, apply to section 1.

5 NEW SECTION. Section 4. Applicability. This act
6 applies to vehicles registered or reregistered for licensing
7 after December 31, 1985.

-End-

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 407

INTRODUCED BY REAM, HALLIGAN, MILES, RAMIREZ, KADAS,
ADDY, SANDS, WINSLOW, FRITZ, GARCIA, WALDRON, HANSEN

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL AIR
POLLUTION CONTROL PROGRAM LICENSE REGISTRATION FEE OF ~~1~~50
1 TO BE ASSESSED AGAINST CERTAIN MOTOR VEHICLES; AMENDING
SECTION 75-2-301, MCA; PROVIDING A COORDINATION PROVISION;
AND PROVIDING AN APPLICABILITY DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Local air pollution control
program license registration fee. A municipality or county
which has a local air pollution control program established
under 75-2-301 may assess a fee of up to ~~1~~50 1 on each
~~passenger-car-or-truck-under-8,000-pounds-GVW~~ MOTOR VEHICLE
AS DEFINED IN 61-1-102, registered for licensing within the
jurisdiction of the local air pollution control program. The
county treasurer shall collect the fee, which may be used
only to fund the local air pollution control program. The
following are exempt from the payment of the fee:

- (1) a vehicle leased or owned by the state or by a
county or municipality;
- (2) a vehicle used for transportation by a
nonresident, migratory worker temporarily employed in

agricultural work in this state;

- (3) a vehicle displaying dealer's license plates, as
provided in 61-4-103, while owned by a dealer; and
- (4) a housetrailer or equipment which is not
self-propelled or which requires towing upon a highway of
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Section 2. Section 75-2-301, MCA, is amended to read:

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municipality or county may establish a local air pollution
control program on being petitioned by 15% of the qualified
electors in its jurisdiction and, if the program is
consistent with this chapter and is approved by the board
after a public hearing conducted under 75-2-111, may
thereafter administer in its jurisdiction the air pollution
control program which:

(a) provides by ordinance or local law for
requirements compatible with, more stringent, or more
extensive than those imposed by 75-2-203, 75-2-212, and
75-2-402 and rules issued under these sections;

(b) provides for the enforcement of these requirements
by appropriate administrative and judicial process; and

(c) provides for administrative organization, staff,
financial, and other resources necessary to effectively and
efficiently carry out its program.

(2) If the board finds that the location, character,



1 or extent of particular concentrations of population, air
 2 contaminant sources, or geographic, topographic, or
 3 meteorological considerations or any combination of these
 4 are such as to make impracticable the maintenance of
 5 appropriate levels of air quality without an areawide air
 6 pollution control program, the board may determine the
 7 boundaries within which the program is necessary and require
 8 it as the only acceptable alternative to direct state
 9 administration.

10 (3) If the board has reason to believe that an air
 11 pollution control program in force under this section is
 12 inadequate to prevent and control air pollution in the
 13 jurisdiction to which the program relates or that the
 14 program is being administered in a manner inconsistent with
 15 this chapter, the board shall, on notice, conduct a hearing
 16 on the matter.

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 18 the program is inadequate to prevent and control air
 19 pollution in the jurisdiction to which it relates or that it
 20 is not accomplishing the purposes of this chapter, it shall
 21 require that necessary corrective measures be taken within a
 22 reasonable time, not to exceed 60 days.

23 (5) If the jurisdiction fails to take these measures
 24 within the time required, the department shall administer
 25 within such jurisdiction all of the provisions of this

1 chapter. The department's control program supersedes all
 2 municipal or county air pollution laws, rules, ordinances,
 3 and requirements in the affected jurisdiction. The cost of
 4 the program shall be a charge on the municipality or county.

5 (6) If the board finds that the control of a
 6 particular air contaminant source because of its complexity
 7 or magnitude is beyond the reasonable capability of the
 8 local jurisdiction or may be more efficiently and
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 14 involved or on the basis of their relationship to the size
 15 of the communities in which they are located.

16 (7) A jurisdiction in which the department administers
 17 its air pollution control program under subsection (5) of
 18 this section may, with the approval of the board, establish
 19 or resume an air pollution control program which meets the
 20 requirements of subsection (1) of this section.

21 (8) A municipality or county may administer all or
 22 part of its air pollution control program in cooperation
 23 with one or more municipalities or counties of this state or
 24 of other states.

25 (9) A municipality or county may assess a fee as

1 provided in [section 1] and may expend the proceeds of the
2 fee for--the-purposes-provided TO FINANCE NOT MORE THAN 65%
3 OF THE LOCAL AIR POLLUTION CONTROL PROGRAM AS SET FORTH in
4 subsection (1)."

5 NEW SECTION. Section 3. Codification instruction.
6 Section 1 is intended to be codified as an integral part of
7 Title 61, chapter 3, part 5, and the provisions of Title 61,
8 chapter 3, part 5, apply to section 1.

9 NEW SECTION. SECTION 4. COORDINATION. IF HOUSE BILL
10 B04, AUTHORIZING LOCAL OPTION TAXES, IS PASSED AND APPROVED,
11 THIS ACT IS VOID.

12 NEW SECTION. Section 5. Applicability- --
13 TERMINATION. (1) This act applies to vehicles registered or
14 reregistered for licensing after December 31, 1985.

15 (2) THIS ACT TERMINATES DECEMBER 31, 1987.

-End-