

HOUSE BILL NO. 829

2/15 Introduced
2/15 Fiscal Note Requested
2/15 Referred to Local Government
2/20 Fiscal Note Received
Died in Committee

1 HOUSE BILL NO. 829
2 INTRODUCED BY Kados

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THAT A
5 MUNICIPALITY OR COUNTY MAY ESTABLISH A MOTOR VEHICLE
6 EMISSION INSPECTION PROGRAM AS PART OF ITS LOCAL AIR
7 POLLUTION CONTROL PROGRAM IF FEDERAL OR STATE AMBIENT AIR
8 QUALITY STANDARDS ARE BEING VIOLATED OR MAY BE VIOLATED;
9 ALLOWING A MUNICIPALITY OR COUNTY TO REQUIRE THAT MOTOR
10 VEHICLES SUBJECT TO ITS ORDINANCES DEMONSTRATE COMPLIANCE
11 WITH LOCAL MOTOR VEHICLE EMISSION STANDARDS PRIOR TO
12 ISSUANCE OF REGISTRATION OR REREGISTRATION; AMENDING
13 SECTIONS 75-2-301 AND 75-2-302, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 75-2-301, MCA, is amended to read:
17 "75-2-301. Local air pollution control programs. (1) A
18 municipality or county may establish a local air pollution
19 control program on being petitioned by 15% of the qualified
20 electors in its jurisdiction and, if the program is
21 consistent with this chapter and is approved by the board
22 after a public hearing conducted under 75-2-111, may
23 thereafter administer in its jurisdiction the air pollution
24 control program which:
25 (a) provides by ordinance or local law for

1 requirements compatible with, more stringent, or more
2 extensive than those imposed by 75-2-203, 75-2-212, and
3 75-2-402 and rules issued under these sections;

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

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

9 (2) (a) A motor vehicle emission inspection program
10 may be adopted as part of a local air pollution control
11 program if federal or state ambient air quality standards
12 are being violated or if it is reasonably anticipated by use
13 of accepted air quality modeling practices that they will be
14 violated. Nothing in this section, however, prevents the
15 establishment of a motor vehicle emission inspection program
16 by the board and department under Title 75, chapter 2, part
17 1.

18 (b) The governing body of the municipality or county
19 may contract with the state of Montana or with a private
20 party to operate the motor vehicle emission inspection
21 program, or the municipality or county may operate the
22 program itself.

23 (c) If requested by the governing body of a
24 municipality or county with a local air pollution control
25 program, the division of motor vehicles of the department of



1 justice shall require proof of compliance with the motor
 2 vehicle emission standards of the municipality or county
 3 before registering or reregistering a vehicle subject to the
 4 requirements of the ordinance.

5 ~~(2)~~(3) If the board finds that the location,
 6 character, or extent of particular concentrations of
 7 population, air contaminant sources, or geographic,
 8 topographic, or meteorological considerations or any
 9 combination of these are such as to make impracticable the
 10 maintenance of appropriate levels of air quality without an
 11 areawide air pollution control program, the board may
 12 determine the boundaries within which the program is
 13 necessary and require it as the only acceptable alternative
 14 to direct state administration.

15 ~~(3)~~(4) If the board has reason to believe that an air
 16 pollution control program in force under this section is
 17 inadequate to prevent and control air pollution in the
 18 jurisdiction to which the program relates or that the
 19 program is being administered in a manner inconsistent with
 20 this chapter, the board shall, on notice, conduct a hearing
 21 on the matter.

22 ~~(4)~~(5) If, after the hearing, the board determines
 23 that the program is inadequate to prevent and control air
 24 pollution in the jurisdiction to which it relates or that it
 25 is not accomplishing the purposes of this chapter, it shall

1 require that necessary corrective measures be taken within a
 2 reasonable time, not to exceed 60 days.

3 ~~(5)~~(6) If the jurisdiction fails to take these
 4 measures within the time required, the department shall
 5 administer within such jurisdiction all of the provisions of
 6 this chapter. The department's control program supersedes
 7 all municipal or county air pollution laws, rules,
 8 ordinances, and requirements in the affected jurisdiction.
 9 The cost of the program shall be a charge on the
 10 municipality or county.

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

22 ~~(7)~~(8) A jurisdiction in which the department
 23 administers its air pollution control program under
 24 subsection ~~(5)~~ (6) of this section may, with the approval of
 25 the board, establish or resume an air pollution control

1 program which meets the requirements of subsection (1) of
2 this section.

3 ~~(8)~~(9) A municipality or county may administer all or
4 part of its air pollution control program in cooperation
5 with one or more municipalities or counties of this state or
6 of other states."

7 Section 2. Section 75-2-302, MCA, is amended to read:

8 "75-2-302. State and federal aid. (1) Any local air
9 pollution control program meeting the requirements of this
10 chapter and rules made pursuant thereto, except that part of
11 a program providing for motor vehicle emission inspection,
12 shall be eligible for state aid in an amount equal to 30% of
13 the locally funded annual operating cost thereof.

14 (2) Subdivisions of the state may make application
15 for, receive, administer, and expend any federal aid for the
16 control of air pollution or the development and
17 administration of programs related to air pollution control,
18 provided that any such application is first submitted to and
19 approved by the board. The board shall approve any such
20 application if it is consistent with this chapter and any
21 other applicable requirements of law."

22 NEW SECTION. Section 3. Extension of authority. Any
23 existing authority of the board of health and environmental
24 sciences or the division of motor vehicles of the department
25 of justice to make rules on the subject of the provisions of

1 this act is extended to the provisions of this act.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN443-85

Form BD-15

In compliance with a written request received February 14, 19 85, there is hereby submitted a Fiscal Note for H.B. 829 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

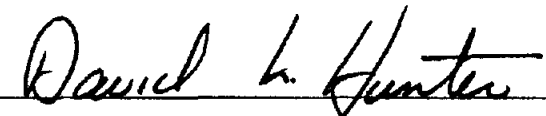
House Bill 829 is an act specifying that a municipality or county may establish a motor vehicle emission inspection program.

FISCAL IMPACT:

No impact on state government.

LOCAL IMPACT:

Those local units of government electing to establish the program, will incur additional costs.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 20, 1985

HB 829