

HB 773 INTRODUCED BY KADAS, ET AL.
ALLOW LOCAL MOTOR VEHICLE FEE TO FUND LOCAL AIR
POLLUTION CONTROL PROGRAM

2/16 INTRODUCED
2/16 REFERRED TO LOCAL GOVERNMENT
2/18 HEARING
2/18 TABLED IN COMMITTEE

1 House BILL NO. 773
 2 INTRODUCED BY Kadan Miles Ryan Ream

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL AIR
 5 POLLUTION CONTROL PROGRAM FEE OF \$1.50 TO BE ASSESSED
 6 AGAINST CERTAIN MOTOR VEHICLES; AMENDING SECTION 75-2-301,
 7 MCA; AND PROVIDING AN APPLICABILITY DATE."

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

10 NEW SECTION. Section 1. Local air pollution control
 11 program fee. A municipality or county which has a
 12 jurisdictionwide local air pollution control program
 13 established under 75-2-301 may assess a fee of up to \$1.50
 14 on each motor vehicle, as defined in 61-1-102, registered
 15 for licensing within the jurisdiction of the local air
 16 pollution control program. The fee is collectible by the
 17 county treasurer or through mail registration and may be
 18 used only to fund the local air pollution control program.
 19 The following are exempt from the payment of the fee:

20 (1) a vehicle leased or owned by the state or by a
 21 county or municipality;

22 (2) a vehicle used for transportation by a
 23 nonresident, migratory worker temporarily employed in
 24 agricultural work in this state;

25 (3) a vehicle displaying dealer's license plates, as

1 provided in 61-4-103, while owned by a dealer; and

2 (4) a housetrailer or equipment which is not
 3 self-propelled or which requires towing upon a highway of
 4 this state.

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

6 "75-2-301. Local air pollution control programs. (1) A
 7 municipality or county may establish a local air pollution
 8 control program on being petitioned by 15% of the qualified
 9 electors in its jurisdiction and, if the program is
 10 consistent with this chapter and is approved by the board
 11 after a public hearing conducted under 75-2-111, may
 12 thereafter administer in its jurisdiction the air pollution
 13 control program which:

14 (a) provides by ordinance or local law for
 15 requirements compatible with, more stringent, or more
 16 extensive than those imposed by 75-2-203, 75-2-212, and
 17 75-2-402 and rules issued under these sections;

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

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

23 (2) If the board finds that the location, character,
 24 or extent of particular concentrations of population, air
 25 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 to finance not more than 65% of the local air pollution

1 control program as set forth in subsection (1)."

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

6 NEW SECTION. Section 4. Extension of authority. Any
7 existing authority of the department of revenue to make
8 rules on the subject of the provisions of this act is
9 extended to the provisions of this act.

10 NEW SECTION. Section 5. Applicability. This act
11 applies to vehicles registered or reregistered for licensing
12 after December 31, 1987.

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