

HOUSE BILL 410

Introduced by Kadas, et al.

1/25	Introduced
1/26	Referred to Local Government
2/07	Hearing
2/08	Committee Report--Bill Not Passed
2/09	Adverse Committee Report Adopted

1 HOUSE BILL NO. 410
2 INTRODUCED BY Kaden Ramirez
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A LOCAL AIR
5 POLLUTION CONTROL PROGRAM FEE OF UP TO \$1 TO BE ASSESSED BY
6 A COUNTY AGAINST CERTAIN MOTOR VEHICLES; AMENDING SECTION
7 75-2-301, MCA; AND PROVIDING AN APPLICABILITY DATE."
8
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 county that has a jurisdictionwide local air
12 pollution control program established under 75-2-301 may
13 assess a fee of up to \$1 on each motor vehicle, as defined
14 in 61-1-102, registered for licensing within the county. The
15 fee is collectible by the county treasurer or through mail
16 registration and may be used only to fund the local air
17 pollution control program. The following are exempt from the
18 payment of the fee:
19 (1) a vehicle leased or owned by the state or by a
20 county or municipality;
21 (2) a vehicle used for transportation by a
22 nonresident, migratory worker temporarily employed in
23 agricultural work in this state;
24 (3) a vehicle displaying dealer's license plates, as
25 provided in 61-4-103, while owned by a dealer; and

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

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

5 "75-2-301. Local air pollution control programs. (1) A
6 municipality or county may establish a local air pollution
7 control program on being petitioned by 15% of the qualified
8 electors in its jurisdiction and, if the program is
9 consistent with this chapter and is approved by the board
10 after a public hearing conducted under 75-2-111, may
11 thereafter administer in its jurisdiction the air pollution
12 control program which:

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

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

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

22 (2) If the board finds that the location, character,
23 or extent of particular concentrations of population, air
24 contaminant sources, or geographic, topographic, or
25 meteorological considerations or any combination of these

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

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

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

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

1 the program shall be a charge on the municipality or county.

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

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

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

22 (9) A county may assess a fee as provided in [section
23 1] and may expend the proceeds of the fee to finance not
24 more than 65% of the local air pollution control program as
25 set forth in subsection (1)."

1 NEW SECTION. **Section 3.** Codification instruction.

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

5 NEW SECTION. **Section 4.** Extension of authority. Any

6 existing authority to make rules on the subject of the
7 provisions of [this act] is extended to the provisions of
8 [this act].

9 NEW SECTION. **Section 5.** Applicability. {This act}

10 applies to vehicles registered or reregistered for licensing
11 after December 31, 1989.

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