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House BILL NO. 531

INTRODUCED BY Shawson Brady ORINOS Wynne Josh Menahan

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING COUNTY MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM RESPONSIBILITIES; SPECIFYING THAT JUNK VEHICLE FLUID REMOVAL MUST BE FUNDED BY JUNK VEHICLE REVENUE; INCREASING THE ANNUAL PAYMENT TO COUNTIES FOR JUNK VEHICLE PROGRAMS; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO INCREASE THE ANNUAL COUNTY PAYMENT; AMENDING SECTIONS 75-10-521, 75-10-532, AND 75-10-534, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 75-10-521, MCA, is amended to read:

**"75-10-521. Powers and duties of county motor vehicle recycling and disposal programs.** (1) (a)

Each county shall acquire, develop, and maintain property for free motor vehicle graveyards. The property may be acquired by purchase, lease, or otherwise.

(b) As an alternative, the county may contract for the maintenance and operation of a motor vehicle graveyard or graveyards, but any ~~such~~ contract may be entered into only with a motor vehicle wrecking facility licensed under the provisions of this part.

(2) Two or more counties may join to form a district for the purpose stated in this section. If a district is formed, all provisions of this part pertaining to a county also apply to a district formed under this subsection.

(3) When there is an accumulation of at least 200 junk vehicles in the graveyard, the county shall notify the department for disposal purposes.

(4) The county commissioners of each county shall designate a representative to be responsible for implementing this part.

(5) Each county, through its designated representative, shall inspect each licensed motor vehicle wrecking facility within its boundaries, consistent with rules adopted by the department.

(6) Each county may sell junk vehicles from the motor vehicle graveyard to licensed motor vehicle wrecking facilities. The sales may be conducted only pursuant to a plan that has been approved by the

1 department for consistency with its rules.

2 (7) A county shall submit to the department for approval a plan for the collection of junk vehicles  
3 and the establishment and operation of the motor vehicle graveyard.

4 (8) The county shall submit to the department for approval a proposed budget for the succeeding  
5 fiscal year. The budget ~~shall~~ must be for the amounts required by the county for collection costs,  
6 acquisition, maintenance, and operation of the graveyard and for other duties relating to implementation  
7 of this part. The county is not responsible for the implementation of this part after its budget has been  
8 expended. Any proposed change in the budget or plan must be approved by the department."  
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10 **Section 2.** Section 75-10-532, MCA, is amended to read:

11 **"75-10-532. Disposition of money collected.** All money received from the sale of the junk vehicles  
12 or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as  
13 motor vehicle disposal fees must be deposited with the state treasurer, ~~to be~~ These funds must be used  
14 for the control, collection, recycling, and disposal of junk vehicles and component parts and for fluid  
15 removal from junk vehicles."  
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17 **Section 3.** Section 75-10-534, MCA, is amended to read:

18 **"75-10-534. Department to pay approved county budget.** (1) The department shall pay to a  
19 county the amount of the approved junk vehicle collection and graveyard budget of the county. The yearly  
20 payment may not exceed ~~\$1~~ \$1.25 for each motor vehicle under 8,001 pounds gross vehicle weight that  
21 is licensed in that county. However, for those counties that have fewer than 5,000 ~~such~~ motor vehicles,  
22 the department may pay up to ~~\$5,000~~ \$6,250, providing the county can justify this payment. Counties  
23 realizing revenue from the sale of junk vehicles shall return to the state junk vehicle program revenue  
24 account money equal to the salvage value of each vehicle sold. The salvage value of a vehicle must be the  
25 average contract value of a crushed ton of junk vehicles as determined by the statewide salvage bids  
26 received by the department during the current fiscal year. Any additional revenue realized from the sale  
27 of junk vehicles may be retained by the county for use in the county's junk vehicle program in addition to  
28 the approved junk vehicle collection and graveyard budget of the county.

29 (2) The department may increase the amount paid to counties under subsection (1) by up to 10  
30 cents each year for each vehicle to a total payment of \$2 a year for each motor vehicle under 8,001 pounds

1 gross vehicle weight that is licensed in a county."

2

3 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1997.

4

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0531, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act clarifying county motor vehicle recycling and disposal program responsibilities; specifying that junk vehicle fluid removal must be funded by junk vehicle revenue; increasing the annual payment to counties for junk vehicle programs; allowing the Department of Environmental Quality to increase the annual county payment.

ASSUMPTIONS:

1. No new or increased fees are necessary to fund the proposed increase in grants.
2. Additional junk vehicles hauled by counties and crushed by private business through contracts with the DEQ would provide the additional revenue.
3. Scrap steel prices are assumed to remain stable, but there will be increased revenue in the account due to the increased number of vehicles crushed and recycled.
4. This bill would result in a greater rate of drawdown of the junk vehicle state special revenue fund (02845).
5. Fund balances will be sufficient for the 1999 biennium to cover any increased expenses associated with this legislation.
6. Crushing revenue will increase by 15% or approximately \$35,000 each year.
7. Grants to counties will increase by an additional \$227,676 in fiscal year 1998 and by \$250,444 in fiscal year 1999.

FISCAL IMPACT:


	<u>FY98</u>	<u>FY99</u>
<u>Expenditures:</u>	<u>Difference</u>	<u>Difference</u>
Grants (02)	\$227,676	\$250,444
<u>Revenues:</u>		
Crushing Revenue (02)	\$35,000	\$35,000
<u>Net Impact:</u>		
State Special (02845)	(\$192,676)	(\$215,444)


EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Grant funding for operation of the county junk vehicle programs would increase.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The rate of drawdown for the junk vehicle state special revenue fund balance would increase. By approximately 2004, an increase in the statutory fee rate may be necessary to maintain a fund balance.

 2-17-97  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2/18/97  
EMILY SWANSON, PRIMARY SPONSOR      DATE

Fiscal Note for HB0531, as introduced

**HB 531**

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House BILL NO. 531

INTRODUCED BY Swanson Brady W. Ryan John Messahon

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING COUNTY MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM RESPONSIBILITIES; SPECIFYING THAT JUNK VEHICLE FLUID REMOVAL MUST BE FUNDED BY JUNK VEHICLE REVENUE; INCREASING THE ANNUAL PAYMENT TO COUNTIES FOR JUNK VEHICLE PROGRAMS; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO INCREASE THE ANNUAL COUNTY PAYMENT; AMENDING SECTIONS 75-10-521, 75-10-532, AND 75-10-534, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 75-10-521, MCA, is amended to read:

**"75-10-521. Powers and duties of county motor vehicle recycling and disposal programs.** (1) (a) Each county shall acquire, develop, and maintain property for free motor vehicle graveyards. The property may be acquired by purchase, lease, or otherwise.

(b) As an alternative, the county may contract for the maintenance and operation of a motor vehicle graveyard or graveyards, but any ~~such~~ contract may be entered into only with a motor vehicle wrecking facility licensed under the provisions of this part.

(2) Two or more counties may join to form a district for the purpose stated in this section. If a district is formed, all provisions of this part pertaining to a county also apply to a district formed under this subsection.

(3) When there is an accumulation of at least 200 junk vehicles in the graveyard, the county shall notify the department for disposal purposes.

(4) The county commissioners of each county shall designate a representative to be responsible for implementing this part.

(5) Each county, through its designated representative, shall inspect each licensed motor vehicle wrecking facility within its boundaries, consistent with rules adopted by the department.

(6) Each county may sell junk vehicles from the motor vehicle graveyard to licensed motor vehicle wrecking facilities. The sales may be conducted only pursuant to a plan that has been approved by the

1 department for consistency with its rules.

2 (7) A county shall submit to the department for approval a plan for the collection of junk vehicles  
3 and the establishment and operation of the motor vehicle graveyard.

4 (8) The county shall submit to the department for approval a proposed budget for the succeeding  
5 fiscal year. The budget ~~shall~~ must be for the amounts required by the county for collection costs,  
6 acquisition, maintenance, and operation of the graveyard and for other duties relating to implementation  
7 of this part. The county is not responsible for the implementation of this part after its budget has been  
8 expended. Any proposed change in the budget or plan must be approved by the department."  
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10 **Section 2.** Section 75-10-532, MCA, is amended to read:

11 **"75-10-532. Disposition of money collected.** All money received from the sale of the junk vehicles  
12 or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as  
13 motor vehicle disposal fees must be deposited with the state treasurer, ~~to be~~ These funds must be used  
14 for the control, collection, recycling, and disposal of junk vehicles and component parts and for fluid  
15 removal from junk vehicles."  
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17 **Section 3.** Section 75-10-534, MCA, is amended to read:

18 **"75-10-534. Department to pay approved county budget.** (1) The department shall pay to a  
19 county the amount of the approved junk vehicle collection and graveyard budget of the county. The yearly  
20 payment may not exceed ~~\$1~~ \$1.25 for each motor vehicle under 8,001 pounds gross vehicle weight that  
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22 the department may pay up to ~~\$5,000~~ \$6,250, providing the county can justify this payment. Counties  
23 realizing revenue from the sale of junk vehicles shall return to the state junk vehicle program revenue  
24 account money equal to the salvage value of each vehicle sold. The salvage value of a vehicle must be the  
25 average contract value of a crushed ton of junk vehicles as determined by the statewide salvage bids  
26 received by the department during the current fiscal year. Any additional revenue realized from the sale  
27 of junk vehicles may be retained by the county for use in the county's junk vehicle program in addition to  
28 the approved junk vehicle collection and graveyard budget of the county.

29 (2) The department may increase the amount paid to counties under subsection (1) by up to 10  
30 cents each year for each vehicle to a total payment of \$2 a year for each motor vehicle under 8,001 pounds

1 gross vehicle weight that is licensed in a county."

2

3 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 1997.

4 -END-

1 House BILL NO. 531  
 2 INTRODUCED BY Swanson Brady Q. RINDS Wynn Ryan Josh Menahan  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING COUNTY MOTOR VEHICLE RECYCLING AND  
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 8 ANNUAL COUNTY PAYMENT; AMENDING SECTIONS 75-10-521, 75-10-532, AND 75-10-534, MCA; AND  
 9 PROVIDING AN EFFECTIVE DATE."

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

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 18 vehicle graveyard or graveyards, but any ~~such~~ contract may be entered into only with a motor vehicle  
 19 wrecking facility licensed under the provisions of this part.

20 (2) Two or more counties may join to form a district for the purpose stated in this section. If a  
 21 district is formed, all provisions of this part pertaining to a county also apply to a district formed under this  
 22 subsection.

23 (3) When there is an accumulation of at least 200 junk vehicles in the graveyard, the county shall  
 24 notify the department for disposal purposes.

25 (4) The county commissioners of each county shall designate a representative to be responsible  
 26 for implementing this part.

27 (5) Each county, through its designated representative, shall inspect each licensed motor vehicle  
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18 "75-10-534. **Department to pay approved county budget.** (1) The department shall pay to a  
19 county the amount of the approved junk vehicle collection and graveyard budget of the county. The yearly  
20 payment may not exceed ~~44~~ \$1.25 for each motor vehicle under 8,001 pounds gross vehicle weight that  
21 is licensed in that county. However, for those counties that have fewer than 5,000 ~~such~~  
22 the department may pay up to ~~\$5,000~~ \$6,250, providing the county can justify this payment. Counties  
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28 the approved junk vehicle collection and graveyard budget of the county.

29 (2) The department may increase the amount paid to counties under subsection (1) by up to 10  
30 cents each year for each vehicle to a total payment of \$2 a year for each motor vehicle under 8,001 pounds

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3 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 1997.

4 -END-

## 1 HOUSE BILL NO. 531

2 INTRODUCED BY SWANSON, GRADY, GRINDE, RYAN, TASH, MENAHAN

3  
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20 (2) Two or more counties may join to form a district for the purpose stated in this section. If a  
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27 realized from the sale of junk vehicles may be retained by the county for use in the county's junk vehicle  
28 program in addition to the approved junk vehicle collection and graveyard budget of the county.

29 (2) IF A COUNTY HAS AN APPROVED FLUID REMOVAL PROGRAM IN PLACE OR WILL HAVE AN  
30 APPROVED FLUID REMOVAL PROGRAM OPERABLE BY JULY 1, 1999, THE DEPARTMENT SHALL PAY

1 TO THE COUNTY AN ADDITIONAL 25 CENTS FOR EACH MOTOR VEHICLE UNDER 8,001 POUNDS  
2 GROSS VEHICLE WEIGHT THAT IS LICENSED IN THAT COUNTY, AND FOR A COUNTY THAT HAS FEWER  
3 THAN 5,000 MOTOR VEHICLES, THE DEPARTMENT SHALL PAY AN ADDITIONAL \$1,250.

4 ~~(2)~~(3) The department may increase the amount paid to counties under subsection (1) by up to 10  
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8 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1997.

9  
10 NEW SECTION. SECTION 5. TERMINATION. [SECTION 3(2)] TERMINATES JUNE 30, 2003.

11 -END-

HOUSE BILL NO. 531

INTRODUCED BY SWANSON, GRADY, GRINDE, RYAN, TASH, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING COUNTY MOTOR VEHICLE RECYCLING AND DISPOSAL PROGRAM RESPONSIBILITIES; SPECIFYING THAT JUNK VEHICLE FLUID REMOVAL MUST BE FUNDED BY JUNK VEHICLE REVENUE; INCREASING THE ANNUAL PAYMENT TO COUNTIES FOR JUNK VEHICLE PROGRAMS; ALLOWING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO INCREASE THE ANNUAL COUNTY PAYMENT; AMENDING SECTIONS 75-10-521, 75-10-532, AND 75-10-534, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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22 vehicles, the department may pay up to ~~\$5,000-\$6,250~~ \$5,000, providing the county can justify this  
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3 THAN 5,000 MOTOR VEHICLES, THE DEPARTMENT SHALL PAY AN ADDITIONAL \$1,250.

4 (2)(3) The department may increase the amount paid to counties under subsection (1) by up to 10  
5 cents each year for each vehicle to a total payment of \$2 a year for each motor vehicle under 8,001 pounds  
6 gross vehicle weight that is licensed in a county."

7

8 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1997.

9

10 NEW SECTION. SECTION 5. TERMINATION. [SECTION 3(2)] TERMINATES JUNE 30, 2003.

11

-END-