HOUSE BILL NO. 706

INTRODUCED BY COHEN, BRADLEY

IN THE HOUSE

	IN THE HOUSE
FEBRUARY 8, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
FEBRUARY 9, 1991	FIRST READING.
FEBRUARY 11, 1991	ON MOTION, REREFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 22, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	POSTED ON CONSENT CALENDAR.
FEBRUARY 23, 1991	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	ENGROSSING REPORT.
FEBRUARY 26, 1991	THIRD READING, PASSED. AYES, 95; NOES, 4.
	TRANSMITTED TO SENATE.
	IN THE SENATE
FEBRUARY 26, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
MARCH 25, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 28, 1991	SECOND READING, CONCURRED IN.
APRIL 1, 1991	THIRD READING, CONCURRED IN. AYES, 44; NOES, 5.
	RETURNED TO HOUSE WITH AMENDMENTS.
	IN THE HOUSE
APRIL 9, 1991	RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 10, 1991

THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1			Hopes BILL NO.	706
2	INTRODUCED	BY	101	

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND
MOTOR VEHICLE GRAVEYARDS; REQUIRING THE GOVERNING BODY OF A
COUNTY TO CONDUCT A HEARING; AND ESTABLISHING CRITERIA FOR
THE DECISION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
SCIENCES TO LICENSE A FACILITY."

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

NEW SECTION. Section 1. Motor vehicle wrecking
facilities and motor vehicle graveyards -- licensing process
-- decision criteria. (1) When an application for a motor
vehicle wrecking facility or motor vehicle graveyard is
filed with the department, the department shall notify by
mail:

- 18 (a) each owner of property adjoining the proposed
 19 facility;
- 20 (b) the governing body of the county in which the 21 proposed facility is to be located; and
- (c) a newspaper of general circulation in the areawhere the proposed facility is to be located.
- 24 (2) Within 30 days of receipt of the notification in 25 subsection (1)(b), the governing body of the county shall:

Montana Legislative Council

- 1 (a) conduct a public hearing to determine whether the 2 proposed facility will significantly affect the quality of 3 life of adjoining landowners and the surrounding community; 4 and
- 5 (b) adopt a resolution in support of or opposition to 6 the location of the proposed facility and transmit a copy of 7 the resolution to the department.
- 8 (3) The department may not grant a license to a
 9 facility that a governing body has opposed under subsection
 10 (2)(b).
- 11 (4) In making its decision to grant or deny a license 12 application, the department shall consider:
- 13 (a) the effect of the proposed facility on adjoining 14 landowners and land uses: and
- (b) the effect of potential air, water, and noise pollution.
- NEW SECTION. Section 2. Codification instruction.
- 18 [Section 1] is intended to be codified as an integral part
- 19 of Title 75, chapter 10, part 5, and the provisions of Title
- 75, chapter 10, part 5, apply to [section 1].
- 21 NEW SECTION. Section 3. Saving clause. [This act] does
- 22 not affect rights and duties that matured, penalties that
- 23 were incurred, or proceedings that were begun before [the
- 24 effective date of this act].

-End-

INTRODUCED BILL

-2-

HB 106

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0706, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill revising the licensing process for motor vehicle wrecking facilities and motor graveyards; requiring the governing body of a county to conduct a hearing; and establishing criteria for the decision by the Department of Health and Environmental Sciences to license a facility.

FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Governing bodies would incur expenditures associated with conducting public hearings and notifications. Since state grants to county junk vehicle programs are limited by statute, the cost to the programs may necessitate additional county expenditures or reductions in other program expenditures funded under state grants.

ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

BEN COHEN, PRIMARY SPONSOR

Fiscal Note for HB0706, as introduced.

HB 706

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2	INTRODUCED	BY	1,2 B	nadlen	

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 4

LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND 5

MOTOR VEHICLE GRAVEYARDS: REQUIRING THE GOVERNING BODY OF A

COUNTY TO CONDUCT A HEARING; AND ESTABLISHING CRITERIA FOR

8 THE DECISION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL

SCIENCES TO LICENSE A FACILITY."

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

1.2 NEW SECTION. Section 1. Motor vehicle wrecking

facilities and motor vehicle graveyards -- licensing process 13

-- decision criteria. (1) When an application for a motor

vehicle wrecking facility or motor vehicle graveyard is 15

filed with the department, the department shall notify by 16

17 mail:

(a) each owner of property adjoining the proposed 18

19 facility:

(b) the governing body of the county in which the 20

proposed facility is to be located; and

22 (c) a newspaper of general circulation in the area

where the proposed facility is to be located.

24 (2) Within 30 days of receipt of the notification in

25 subsection (1)(b), the governing body of the county shall:



(a) conduct a public hearing to determine whether the proposed facility will significantly affect the quality of 2

life of adjoining landowners and the surrounding community;

4 and

5 (b) adopt a resolution in support of or opposition to the location of the proposed facility and transmit a copy of 7 the resolution to the department.

8 (3) The department may not grant a license to a 9 facility that a governing body has opposed under subsection

10 (2)(b).

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11 (4) In making its decision to grant or deny a license application, the department shall consider: 12

13 (a) the effect of the proposed facility on adjoining 14 landowners and land uses: and

15 (b) the effect of potential air, water, and noise 16 pollution.

17 NEW SECTION. Section 2. Codification instruction.

18 [Section 1] is intended to be codified as an integral part 19 of Title 75, chapter 10, part 5, and the provisions of Title

20 75, chapter 10, part 5, apply to [section 1].

21 NEW SECTION. Section 3. Saving clause. [This act] does

22 not affect rights and duties that matured, penalties that

were incurred, or proceedings that were begun before [the

24 effective date of this act).

THIRD READING

-2- HB 106 CONSENT CALENDAR

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 March 25, 1991

MR. PRESIDENT:

We, your committee on Local Government having had under consideration House Bill No. 706 (third reading copy -- blue), respectfully report that House Bill No. 706 be amended and as so amended be concurred in:

- 1. Title, line 6. Strike: "REQUIRING" Insert: "ALLOWING"
- 2. Page 1, line 25. Strike: "shall" Insert: "may"
- 3. Page 2, line 12. Strike: ":"
- 4. Page 2, line 13. Strike: "(a)"
- 5. Page 2, lines 14 through 16. Strike: ";" on line 14 through "pollution" on line 16

Esther G. Bengtson Chairman

SENATE

1	HOUSE BILL NO. 706	ı	MAY:
2	INTRODUCED BY COHEN, BRADLEY	2	(a) conduct a public hearing to determine whether th
3		3	proposed facility will significantly affect the quality o
4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A	4	life of adjoining landowners and the surrounding community
5	LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND	5	and
6	MOTOR VEHICLE GRAVEYARDS; REQUERENG ALLOWING THE GOVERNING	6	(b) adopt a resolution in support of or opposition t
7	BODY OF A COUNTY TO CONDUCT A HEARING; AND ESTABLISHING	7	the location of the proposed facility and transmit a copy o
8	CRITERIA FOR THE DECISION BY THE DEPARTMENT OF HEALTH AND	8	the resolution to the department.
9	ENVIRONMENTAL SCIENCES TO LICENSE A FACILITY."	9	(3) The department may not grant a license to
10		10	facility that a governing body has opposed under subsection
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(2)(b).
12	NEW SECTION. Section 1. Motor vehicle wrecking	12	(4) In making its decision to grant or deny a licens
13	facilities and motor vehicle graveyards licensing process	13	application, the department shall consider:
14	decision criteria. (1) When an application for a motor	14	(a) the effect of the proposed facility on adjoining
15	vehicle wrecking facility or motor vehicle graveyard is	15	landowners and land uses;-and
16	filed with the department, the department shall notify by	16	tb;the-effectofpotentialair;water;andnois
17	mail:	17	poliution.
18	(a) each owner of property adjoining the proposed	18	NEW SECTION. Section 2. Codification instruction
19	facility;	19	[Section 1] is intended to be codified as an integral par
20	(b) the governing body of the county in which the	20	of Title 75, chapter 10, part 5, and the provisions of Titl
21	proposed facility is to be located; and	21	75, chapter 10, part 5, apply to [section 1].
22	(c) a newspaper of general circulation in the area	22	NEW SECTION. Section 3. Saving clause. [This act] doe
23	where the proposed facility is to be located.	23	not affect rights and duties that matured, penalties tha
24	(2) Within 30 days of receipt of the notification in	24	were incurred, or proceedings that were begun before [th
25	subsection (1)(b), the governing body of the county shall	25	effective date of this act].

-End--2-