

APRIL 10, 1991

CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Hoye BILL NO. 706
2 INTRODUCED BY Bradley
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
5 LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND
6 MOTOR VEHICLE GRAVEYARDS; REQUIRING THE GOVERNING BODY OF A
7 COUNTY TO CONDUCT A HEARING; AND ESTABLISHING CRITERIA FOR
8 THE DECISION BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL
9 SCIENCES TO LICENSE A FACILITY."
10

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

12 NEW SECTION. Section 1. Motor vehicle wrecking
13 facilities and motor vehicle graveyards -- licensing process
14 -- decision criteria. (1) When an application for a motor
15 vehicle wrecking facility or motor vehicle graveyard is
16 filed with the department, the department shall notify by
17 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

22 (c) a newspaper of general circulation in the area
23 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:

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

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
23 were incurred, or proceedings that were begun before [the
24 effective date of this act].

-End-

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INTRODUCED BILL
HB 706



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.

 2-13-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/14/91
BEN COHEN, PRIMARY SPONSOR DATE

Fiscal Note for HB0706, as introduced.

HB 706

1 House BILL NO. 706
2 INTRODUCED BY Gardley

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
5 LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND
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19 of Title 75, chapter 10, part 5, and the provisions of Title
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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-

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THIRD READING
HB 706
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

Signed: Esther G. Bengtson
Esther G. Bengtson, Chairman

JM 3-25-91
Amd. Coord.

SPB 3-25 10:10
Sec. of Senate

SENATE

HB 706

HOUSE BILL NO. 706

INTRODUCED BY COHEN, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A LICENSING PROCESS FOR MOTOR VEHICLE WRECKING FACILITIES AND MOTOR VEHICLE GRAVEYARDS; ~~REQUIRING~~ ALLOWING 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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(b) the governing body of the county in which the proposed facility is to be located; and

(c) a newspaper of general circulation in the area where the proposed facility is to be located.

(2) Within 30 days of receipt of the notification in subsection (1)(b), the governing body of the county shall

MAY:

(a) conduct a public hearing to determine whether the proposed facility will significantly affect the quality of life of adjoining landowners and the surrounding community; and

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

(3) The department may not grant a license to a facility that a governing body has opposed under subsection (2)(b).

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

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

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not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

-End-

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