

HOUSE BILL NO. 780

INTRODUCED BY DARKO, CODY, STANG, O'KEEFE, DRISCOLL,
GRADY, O'CONNELL, SCHYE, RANEY, GRINDE

IN THE HOUSE

MARCH 15, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
MARCH 16, 1989	FIRST READING.
MARCH 22, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 23, 1989	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 27, 1989	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 51; NOES, 44.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 30, 1989	ON MOTION, RULES SUSPENDED TO ALLOW FOR LATE INTRODUCTION
MARCH 31, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.

IN THE HOUSE

APRIL 8, 1989	ON MOTION, RULES SUSPENDED TO ALLOW TRANSMITTAL AFTER 83RD DAY.
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IN THE SENATE

APRIL 15, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
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APRIL 18, 1989

SECOND READING, CONCURRED IN.

APRIL 19, 1989

THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 20, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 780

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY CREATING
THE JUNK VEHICLE DISPOSAL ACCOUNT; PROVIDING FOR DEPOSIT OF
JUNK VEHICLE FEES IN THE ACCOUNT; PROVIDING THAT INTEREST
AND INCOME EARNED ON THE ACCOUNT BE CREDITED TO THE ACCOUNT;
PROVIDING AN APPROPRIATION FOR THE ACCOUNT; AND AMENDING
SECTIONS 61-3-508 AND 75-10-532, MCA."

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

Section 1. Section 61-3-508, MCA, is amended to read:

"61-3-508. Junk vehicle disposal fee. A special junk vehicle disposal fee shall be assessed on each new application for a motor vehicle title and on each transfer of a motor vehicle title in the amount of \$1.50 on passenger cars and trucks under 8,001 pounds GVW. An additional special junk vehicle disposal fee shall be assessed in the amount of 50 cents on each passenger car and truck under 8,001 pounds GVW registered for licensing. The fees shall be collected by the county treasurer and forwarded to the state treasurer for deposit in the junk vehicle disposal account in the state special revenue fund. However, the following are exempt from payment of the fees:

(1) vehicles leased or owned by the state or by a

county or municipality;

(2) vehicles used for transportation by nonresident, migratory workers temporarily employed in agricultural work in this state;

(3) vehicles displaying dealer's license plates, as provided in 61-4-103, while owned by a dealer; and

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

Section 2. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of moneys money collected -- account. (1) All moneys money received from the sale of the junk vehicles or from recycling of the material and all motor vehicle wrecking facility license fees and fees collected as motor vehicle disposal fees ~~shall~~ must be deposited with the state treasurer to the credit of the junk vehicle disposal account to be utilized for:

{1}(a) the control, collection, recycling, and disposal of junk vehicles and component parts; and

{2}(b) implementation by the department of health and environmental sciences during the 1987 biennium of the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with 75-10-601 through 75-10-604, and the Montana Hazardous Waste Act in accordance with 75-10-401 through 75-10-421, up to an amount

LC 1795/01

1 not exceeding \$58,690.

2 (2) There is a junk vehicle disposal account in the
3 state special revenue fund. The fees collected under
4 61-3-508 and this part must be deposited in the account.
5 Interest and income earned on the account must be credited
6 to the account."

7 NEW SECTION. Section 3. Appropriation. There is
8 appropriated to the department of health and environmental
9 sciences \$500,000 from the general fund to the junk vehicle
10 disposal account for use in carrying out Title 75, chapter
11 10, part 5.

12 NEW SECTION. Section 4. Extension of authority. Any
13 existing authority to make rules on the subject of the
14 provisions of [this act] is extended to the provisions of
15 [this act].

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 780

INTRODUCED BY DARKO, CODY, STANG, O'KEEFE, DRISCOLL,
GRADY, O'CONNELL, SCHYE, RANEY, GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY CREATING
THE JUNK VEHICLE DISPOSAL ACCOUNT; PROVIDING FOR DEPOSIT OF
JUNK VEHICLE FEES IN THE ACCOUNT; PROVIDING THAT INTEREST
AND INCOME EARNED ON THE ACCOUNT BE CREDITED TO THE ACCOUNT;
ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
AUTHORITY TO ESTABLISH JUNK VEHICLE RULES NO LATER THAN
OCTOBER 1, 1989; PROVIDING AN APPROPRIATION FOR THE ACCOUNT;
AND AMENDING SECTIONS 61-3-508 AND 75-10-532, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 61-3-508, MCA, is amended to read:

"61-3-508. Junk vehicle disposal fee. A special junk
vehicle disposal fee shall be assessed on each new
application for a motor vehicle title and on each transfer
of a motor vehicle title in the amount of \$1.50 on passenger
cars and trucks under 8,001 pounds GVW. An additional
special junk vehicle disposal fee shall be assessed in the
amount of 50 cents on each passenger car and truck under
8,001 pounds GVW registered for licensing. The fees shall be
collected by the county treasurer and forwarded to the state

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county or municipality;

(2) vehicles used for transportation by nonresident,
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in this state;

(3) vehicles displaying dealer's license plates, as
provided in 61-4-103, while owned by a dealer; and

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

Section 2. Section 75-10-532, MCA, is amended to read:

"75-10-532. Disposition of moneys money collected --
account. (1) All moneys money received from the sale of the
junk vehicles or from recycling of the material and all
motor vehicle wrecking facility license fees and fees
collected as motor vehicle disposal fees ~~shall~~ must be
deposited with the state treasurer to the credit of the junk
vehicle disposal account to be utilized for:

~~(1)~~ (a) the control, collection, recycling, and
disposal of junk vehicles and component parts; and

~~(2)~~ (b) implementation by the department of health and
environmental sciences during the 1987 biennium of the

1 federal Comprehensive Environmental Response, Compensation,
2 and Liability Act of 1980 in accordance with 75-10-601
3 through 75-10-604, and the Montana Hazardous Waste Act in
4 accordance with 75-10-401 through 75-10-421, up to an amount
5 not exceeding \$58,690.

6 (2) There is a junk vehicle disposal account in the
7 state special revenue fund. The fees collected under
8 61-3-508 and this part must be deposited in the account.
9 Interest and income earned on the account must be credited
10 to the account."

11 NEW SECTION. SECTION 3. ADOPTION OF RULES. THE
12 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SHALL, AFTER
13 SEEKING INPUT FROM COUNTIES, LICENSED MOTOR VEHICLE WRECKING
14 FACILITIES, AND THE GENERAL PUBLIC, ADOPT RULES PERTAINING
15 TO THE REUSE AND RESTORATION OF JUNK VEHICLES. THE
16 DEPARTMENT SHALL ADOPT THESE RULES NO LATER THAN OCTOBER 1,
17 1989.

18 NEW SECTION. Section 4. Appropriation. There is
19 appropriated to the department of health and environmental
20 sciences ~~\$500,000~~ \$200,000 from the general fund to the junk
21 vehicle disposal account for use in carrying out Title 75,
22 chapter 10, part 5.

23 NEW SECTION. Section 5. Extension of authority. Any
24 existing authority to make rules on the subject of the
25 provisions of [this act] is extended to the provisions of

1 [this act].

2 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS
3 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

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7 JUNK VEHICLE FEES IN THE ACCOUNT; PROVIDING THAT INTEREST
8 AND INCOME EARNED ON THE ACCOUNT BE CREDITED TO THE ACCOUNT;
9 ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
10 AUTHORITY TO ESTABLISH JUNK VEHICLE RULES NO LATER THAN
11 OCTOBER 1, 1989; PROVIDING AN APPROPRIATION FOR THE ACCOUNT;
12 AND AMENDING SECTIONS 61-3-508 AND 75-10-532, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

16 Section 1. Section 61-3-508, MCA, is amended to read:

17 "61-3-508. Junk vehicle disposal fee. A special junk
18 vehicle disposal fee shall be assessed on each new
19 application for a motor vehicle title and on each transfer
20 of a motor vehicle title in the amount of \$1.50 on passenger
21 cars and trucks under 8,001 pounds GVW. An additional
22 special junk vehicle disposal fee shall be assessed in the
23 amount of 50 cents on each passenger car and truck under
24 8,001 pounds GVW registered for licensing. The fees shall be
25 collected by the county treasurer and forwarded to the state

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2 in the state special revenue fund. However, the following
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5 county or municipality;

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7 migratory workers temporarily employed in agricultural work
8 in this state;

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

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12 self-propelled or which requires towing upon a highway of
13 this state."

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16 account. (1) All moneys money received from the sale of the
17 junk vehicles or from recycling of the material and all
18 motor vehicle wrecking facility license fees and fees
19 collected as motor vehicle disposal fees shall must be
20 deposited with the state treasurer to the credit of the junk
21 vehicle disposal account to be utilized for:

22 (1)(a) the control, collection, recycling, and
23 disposal of junk vehicles and component parts; and

24 (2)(b) implementation by the department of health and
25 environmental sciences during the 1987 biennium of the

1 federal Comprehensive Environmental Response, Compensation,
2 and Liability Act of 1980 in accordance with 75-10-601
3 through 75-10-604, and the Montana Hazardous Waste Act in
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25 provisions of [this act] is extended to the provisions of

1 [this act].

2 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS
3 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE STANDING COMMITTEE REPORT

April 15, 1989

MR. PRESIDENT:

We, your committee on Finance and Claims, having had under consideration HB 780 (third reading copy -- blue), respectfully report that HB 780 be amended and as so amended be concurred in:

Sponsor: Darko (Story)

1. Title, lines 5 through 8.
Following: second "ACT" on line 5
Strike: remainder of line 5 through "ACCOUNT;" on line 8

2. Title, lines 11 and 12.
Strike: "OCTOBER" on line 11 through "MCA" on line 12
Insert: "JULY 1, 1990"

3. Page 1, line 15.
Following: line 14
Insert: "

STATEMENT OF INTENT

A statement of intent is required for [this bill] because [section 1] grants rulemaking authority to the department of health and environmental sciences to implement the provisions of [this act]. It is the intent of the legislature that the department of health and environmental sciences adopt rules pertaining to the reuse and restoration of junk vehicles. The department shall adopt rules after consultation with counties, licensed motor vehicle wrecking facilities, and the general public."

4. Page 1, line 16 through page 3, line 10.
Strike: sections 1 and 2 in their entirety
Re-number: subsequent section

5. Page 3, lines 16 and 17.
Following: "THAN" on line 16
Strike: "OCTOBER 1, 1989"
Insert: "July 1, 1990"

6. Page 3, line 18 through page 4, line 1.
Strike: sections 4 and 5 in their entirety
Re-number: subsequent section

AND AS AMENDED BE CONCURRED IN

Signed: _____


Pete Story, Chairman

HB 780

SENATE

HOUSE BILL NO. 780

INTRODUCED BY DARKO, CODY, STANG, O'KEEFE, DRISCOLL,

GRADY, O'CONNELL, SCHYE, RANEY, GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT STATUTORILY--CREATING
 THE--JUNK-VEHICLE-DISPOSAL-ACCOUNT;--PROVIDING-FOR-DEPOSIT-OF
 JUNK-VEHICLE-FEES-IN-THE-ACCOUNT;--PROVIDING--THAT--INTEREST
 AND-INCOME-EARNED-ON-THE-ACCOUNT-BE-CREDITED-TO-THE-ACCOUNT;
 ALLOWING THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
 AUTHORITY TO ESTABLISH JUNK VEHICLE RULES NO LATER THAN
 OCTOBER-17-1989; PROVIDING-AN-APPROPRIATION-FOR-THE-ACCOUNT;
 AND AMENDING SECTIONS 61-3-508 AND 75-10-532;--MCA JULY 1,
 1990; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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 [section 1] grants rulemaking authority to the department of
 health and environmental sciences to implement the
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 facilities, and the general public.

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

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"61-3-508.--Junk--vehicle-disposal-fee.--A special-junk
 vehicle--disposal--fee--shall--be--assessed--on--each--new
 application--for--a-motor-vehicle-title-and-on-each-transfer
 of-a-motor-vehicle-title-in-the-amount-of-\$1.50-on-passenger
 cars-and--trucks--under--8,001--pounds--GVW.--An-additional
 special--junk--vehicle-disposal-fee-shall-be-assessed-in-the
 amount-of-50-cents-on-each-passenger--car--and--truck--under
 8,001-pounds-GVW-registered-for-licensing.--The-fees-shall-be
 collected-by-the-county-treasurer and-forwarded-to-the-state
 treasurer--for--deposit-in-the-junk-vehicle-disposal-account
 in-the-state-special-revenue-fund.--However,--the--following
 are-exempt-from-payment-of-the-fees:

(1)--vehicles--leased--or--owned--by--the-state-or-by-a
 county-or-municipality;

(2)--vehicles-used-for-transportation--by--nonresident,
 migratory--workers-temporarily-employed-in-agricultural-work
 in-this-state;

(3)--vehicles-displaying-dealer's--license--plates,--as
 provided-in-61-4-103, while-owned-by-a-dealer; and

(4)--house-trailers---or---equipment---which---is---not
 self-propelled-or-which-requires-towing-upon--a--highway--of
 this-state;"

Section 2.--Section 75-10-532, MCA, is amended to read:

1 ~~"75-10-532--Disposition--of moneys money collected --~~
 2 ~~account: {1} All moneys money received-from-the-sale-of--the~~
 3 ~~junk--vehicles--or--from--recycling--of-the-material-and-all~~
 4 ~~motor--vehicle--wrecking--facility--license--fees--and--fees~~
 5 ~~collected--as--motor--vehicle--disposal--fees shall must be~~
 6 ~~deposited-with-the-state-treasurer to-the-credit-of-the-junk~~
 7 ~~vehicle-disposal-account to-be-utilized-for:~~

8 ~~{1}{a}--the---control,---collection,---recycling,---and~~
 9 ~~disposal-of-junk-vehicles-and-component-parts;and~~

10 ~~{2}{b}--implementation--by-the-department-of-health-and~~
 11 ~~environmental-sciences--during--the--1987--biennium--of--the~~
 12 ~~federal--Comprehensive-Environmental-Response, Compensation,~~
 13 ~~and-Liability-Act--of--1980--in--accordance--with--75-10-601~~
 14 ~~through--75-10-604, and--the-Montana-Hazardous-Waste-Act-in~~
 15 ~~accordance-with-75-10-401-through-75-10-421, up-to-an-amount~~
 16 ~~not-exceeding-\$50,690;~~

17 ~~{2}--There-is-a-junk-vehicle-disposal--account--in--the~~
 18 ~~state---special--revenue--fund;--The--fees--collected--under~~
 19 ~~61-3-508-and-this-part-must-be-deposited--in--the--account:~~
 20 ~~interest--and--income-earned-on-the-account-must-be-credited~~
 21 ~~to-the-account;"~~

22 NEW SECTION. **SECTION 1.** ADOPTION OF RULES. THE
 23 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES SHALL, AFTER
 24 SEEKING INPUT FROM COUNTIES, LICENSED MOTOR VEHICLE WRECKING
 25 FACILITIES, AND THE GENERAL PUBLIC, ADOPT RULES PERTAINING

1 TO THE REUSE AND RESTORATION OF JUNK VEHICLES. THE
 2 DEPARTMENT SHALL ADOPT THESE RULES NO LATER THAN ~~OCTOBER-17~~
 3 1989 JULY 1, 1990.

4 NEW SECTION. ~~Section 4.~~ Appropriation. ~~There~~ is
 5 appropriated--to--the-department-of-health-and-environmental
 6 sciences \$500,000 ~~\$200,000~~ from the general fund to the junk
 7 vehicle disposal account for use in carrying out Title 75,
 8 chapter 10, part 5.

9 NEW SECTION. ~~Section 5.~~ Extension of authority. Any
 10 existing authority to make rules on the subject of the
 11 provisions of ~~{this act}~~ is extended to the provisions of
 12 ~~{this act}.~~

13 NEW SECTION. **SECTION 2.** EFFECTIVE DATE. [THIS ACT] IS
 14 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-