

HOUSE BILL NO. 698

INTRODUCED BY GILLAN, BECKER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A TRAUMATIC BRAIN INJURY ADVISORY COUNCIL;
5 CREATING A TRAUMATIC BRAIN INJURY ACCOUNT FOR PUBLIC INFORMATION AND EDUCATION ON
6 TRAUMATIC BRAIN INJURY; ALLOWING FOR A VOLUNTARY DONATION ON MOTOR VEHICLE
7 REGISTRATION FOR THE TRAUMATIC BRAIN INJURY FUND; AMENDING SECTION 61-3-303, MCA; AND
8 PROVIDING AN A DELAYED EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Traumatic brain injury advisory council.** (1) There is a traumatic brain
13 injury advisory council attached to the department of public health and human services for administrative
14 purposes only as prescribed in 2-15-121.

15 (2) The council is composed of the following members:

- 16 (a) the director of the department of public health and human services or a designee;
17 (b) the superintendent of public instruction or a designee;
18 (c) a representative of a program that provides senior and long-term care services appointed by the
19 director of the department of public health and human services;
20 ~~—— (d) the commissioner of insurance or a designee;~~
21 ~~—— (e) the attorney general or a designee; and~~

22 ~~(f)(D)~~ nine six members of the public, appointed by the governor, who represent:

- 23 (i) survivors of traumatic brain injury or family members of survivors of traumatic brain injury;
24 (ii) injury control or prevention programs; and
25 (iii) advocates for brain-injured persons.

26 (3) The public members of the advisory council shall serve 3-year terms. The initial appointments may
27 specify a shorter length of the initial term in order to stagger the terms. Vacancies must be filled for the balance
28 of an unexpired term. A member of the council may be reappointed.

29 (4) The advisory council shall meet quarterly, and the director of the department of public health and
30 human services or a designee shall serve as presiding officer.

1 (5) The PUBLIC members of the council shall serve without compensation but ~~must~~ MAY be reimbursed
2 as provided in 2-18-501 through 2-18-503, SUBJECT TO AVAILABLE FUNDING.

3 (6) The advisory council shall:

4 (a) advise and make recommendations to the department of public health and human services and
5 other state agencies on ways to improve and develop services regarding traumatic brain injury, including
6 coordination of services between public and private entities;

7 (b) encourage citizen participation through the establishment of public hearings and other types of
8 community outreach and prevention activities;

9 (c) encourage and stimulate research, public awareness, education, and prevention activities; and

10 (d) advise the department of public health and human services on the expenditures of the traumatic
11 brain injury account established in [section 2] and any grants made from that account.

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13 NEW SECTION. Section 2. Traumatic brain injury account. (1) There is a traumatic brain injury
14 account in the state special revenue fund for purposes of traumatic brain injury prevention, education, and
15 support.

16 (2) Money in this account may be used by the department of public health and human services to fund
17 the advisory council and to provide grants for public information and prevention education regarding traumatic
18 brain injury.

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20 **Section 3.** Section 61-3-303, MCA, is amended to read:

21 **"61-3-303. Application for registration.** (1) Each owner of a motor vehicle operated or driven upon
22 the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section,
23 file in the office of the county treasurer in the county where the owner permanently resides at the time of making
24 the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the
25 taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or
26 reregistration on a form prescribed by the department. The application must contain:

27 (a) the name and address of the owner, giving the county, school district, and town or city within whose
28 corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence
29 is located if the motor vehicle is not taxable;

30 (b) the name and address of the holder of any security interest in the motor vehicle;

1 (c) a description of the motor vehicle, including make, year model, engine or serial number,
2 manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated
3 capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;

4 (d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and
5 semitrailers registered as provided in 61-3-711 through 61-3-733;

6 (e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1
7 or more to promote awareness and education efforts for procurement of organ and tissue donations for
8 anatomical gifts; ~~and~~

9 (F) A SPACE IN WHICH THE PERSON REGISTERING THE VEHICLE MAY INDICATE THE PERSON'S DESIRE TO DONATE
10 \$1 OR MORE TO PROMOTE EDUCATION ON, SUPPORT FOR, AND AWARENESS OF TRAUMATIC BRAIN INJURY; AND

11 ~~(f)~~(G) other information that the department may require.

12 (2) A person who files an application for registration or reregistration of a motor vehicle, except of a
13 mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the
14 application pay to the county treasurer:

15 (a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

16 (b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu
17 of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of
18 registration and the immediately previous year; ~~and~~

19 (c) a donation of \$1 or more if the person has indicated on the application that the person wishes to
20 donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana
21 to favorably impact anatomical gifts; and

22 (d) a donation of \$1 or more if the person has indicated on the application that the person wishes to
23 donate to promote education ON, SUPPORT FOR, and awareness of traumatic brain injury.

24 (3) The application may not be accepted by the county treasurer unless the payments required by
25 subsection (2) accompany the application. Except as provided in 61-3-560 through 61-3-562, the department
26 may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

27 (a) the current year; and

28 (b) the immediately previous year if the vehicle was not registered or operated on the highways of the
29 state, regardless of the period of time since the vehicle was previously registered or operated.

30 (4) The department may make full and complete investigation of the status of the vehicle. An applicant

1 for registration or reregistration shall submit proof from appropriate records of the proper county at the request
2 of the department.

3 (5) Revenue that accrues from the voluntary donation provided in subsection (2)(c) must be forwarded
4 by the respective county treasurer TO THE DEPARTMENT OF REVENUE for deposit in the state special revenue fund
5 to the credit of an account established by the department of public health and human services to support
6 activities related to awareness and education efforts for procurement of organ and tissue donations for
7 anatomical gifts.

8 (6) Revenue that accrues from the voluntary donation provided in subsection (2)(d) must be forwarded
9 by the respective county treasurer TO THE DEPARTMENT OF REVENUE for deposit in the state special revenue fund
10 to the credit of the account established in [section 2] to support activities related to education regarding
11 prevention of traumatic brain injury."

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13 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified
14 as an integral part of Title 2, chapter 15, part 22, and the provisions of Title 2, chapter 15, part 22, apply to
15 [sections 1 and 2].

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17 NEW SECTION. Section 5. Effective date. [This act] is effective ~~July 1, 2003~~ JANUARY 1, 2004.

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