

SENATE BILL NO. 174

INTRODUCED BY B. GLASER

BY REQUEST OF THE REVENUE AND TAXATION INTERIM COMMITTEE

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE DISTRIBUTION OF LIGHT VEHICLE REGISTRATION FEES AND CERTAIN FEES IN LIEU OF TAX; PROVIDING THAT LIGHT VEHICLE REGISTRATION FEES AND FEES IN LIEU OF TAX ON MOTOR VEHICLES, WATERCRAFT, SNOWMOBILES, AND OFF-HIGHWAY VEHICLES ARE DISTRIBUTED BASED ON LOCAL MILL LEVIES; REMOVING LANGUAGE RELATED TO THE MOTOR VEHICLE SUSPENSE FUND; CLARIFYING THE DISTRIBUTION OF MOTOR VEHICLE FEES; CLARIFYING THE DISTRIBUTION OF LOCAL OPTION TAXES AND FEES; AMENDING SECTIONS 15-10-420, 20-9-331, 20-9-333, 23-2-518, 23-2-616, 23-2-803, 61-3-509, AND 61-3-537, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 15-10-420, MCA, is amended to read:

"15-10-420. Procedure for calculating levy. (1) A governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year, even if that levy is greater than the levy established by law. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the value of newly taxable property.

(2) A governmental entity may apply the levy calculated pursuant to subsection (1) plus any additional levies authorized by the voters to all property in the governmental unit, including newly taxable property.

(3) For purposes of this section, newly taxable property includes:

- (a) annexation of real property and improvements into a taxing unit;
- (b) construction, expansion, or remodeling of improvements;
- (c) transfer of property into a taxing unit;
- (d) subdivision of real property;

- 1 (e) reclassification of property;
- 2 (f) transfer of property from tax-exempt to taxable status; and
- 3 (g) revaluations caused by expansion, addition, replacement, or remodeling of improvements.
- 4 (4) Subsection (1) does not apply to school district general fund levies and the school district levy
- 5 for tuition obligations established in 20-5-324(5).
- 6 (5) For purposes of subsection (1), taxes imposed:
- 7 (a) include registration fees ~~imposed~~ collected on light vehicles under ~~61-3-561~~ 61-3-560 through
- 8 61-3-562 and distributed under 61-3-509~~(2)~~(1); and
- 9 (b) do not include net or gross proceeds taxes received under 15-6-131 and 15-6-132.
- 10 (6) In determining the maximum number of mills in subsection (1), the governmental entity shall
- 11 take into account any change from the prior year in the amount of statutory reimbursements for changes
- 12 in the property tax laws. The amount of motor vehicle disposition under 61-3-509(2), as that section read
- 13 on December 31, 2000, is an increased statutory reimbursement. It may increase the number of mills to
- 14 account for a decrease in reimbursements and shall decrease the number of mills to fully account for any
- 15 increase in reimbursements.
- 16 (7) The department shall calculate the number of mills to be imposed for purposes of 15-10-107,
- 17 20-9-331, 20-9-333, 20-9-360, 20-25-423, 20-25-439, and 53-2-813. However, the number of mills
- 18 calculated by the department may not exceed the mill levy limits established in those sections.
- 19 (8) The department may adopt rules to implement this section. The rules may include a method
- 20 for calculating the percentage of change in valuation for purposes of determining the elimination of
- 21 property, new improvements, or newly taxable property in a governmental unit."

22

23 **Section 2.** Section 20-9-331, MCA, is amended to read:

24 **"20-9-331. Basic county tax for elementary equalization and other revenue for county equalization**

25 **of elementary BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county

26 shall levy an annual basic county tax of 33 mills on the dollar of the taxable value of all taxable property

27 within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-521,

28 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204, for the purposes

29 of elementary equalization and state BASE funding program support. The revenue collected from this levy

30 must be apportioned to the support of the elementary BASE funding programs of the school districts in

1 the county and to the state general fund in the following manner:

2 (a) In order to determine the amount of revenue raised by this levy that is retained by the county,
3 the sum of the estimated revenue identified in subsection (2) must be subtracted from the total of the
4 BASE funding programs of all elementary districts of the county.

5 (b) If the basic levy and other revenue prescribed by this section produce more revenue than is
6 required to repay a state advance for county equalization, the county treasurer shall remit the surplus
7 funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus
8 balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year
9 for which the levy has been set.

10 (2) The revenue realized from the county's portion of the levy prescribed by this section and the
11 revenue from the following sources must be used for the equalization of the elementary BASE funding
12 program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue
13 by the county treasurer in accordance with 20-9-212(1):

14 (a) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for
15 the elementary county equalization fund under the provisions of 17-3-222;

16 (b) the portion of the federal flood control act funds distributed to a county and designated for
17 expenditure for the benefit of the county common schools under the provisions of 17-3-232;

18 (c) all money paid into the county treasury as a result of fines for violations of law, except money
19 paid to a justice's court, and the use of which is not otherwise specified by law;

20 (d) any money remaining at the end of the immediately preceding school fiscal year in the county
21 treasurer's accounts for the various sources of revenue established or referred to in this section;

22 (e) any federal or state money distributed to the county as payment in lieu of property taxation,
23 including federal forest reserve funds allocated under the provisions of 17-3-213;

24 (f) gross proceeds taxes from coal under 15-23-703;

25 (g) oil and natural gas production taxes; and

26 (h) anticipated revenue from ~~property taxes and fees imposed under 23-2-517, 23-2-803,~~
27 ~~61-3-521, 61-3-529, 61-3-537, 61-3-570, and 67-3-204.~~"

28

29 **Section 3.** Section 20-9-333, MCA, is amended to read:

30 **"20-9-333. Basic county tax for high school equalization and other revenue for county equalization**

1 **of high school BASE funding program.** (1) Subject to 15-10-420, the county commissioners of each county
 2 shall levy an annual basic county tax of 22 mills on the dollar of the taxable value of all taxable property
 3 within the county, except for property subject to a tax or fee under 23-2-517, 23-2-803, 61-3-521,
 4 61-3-527, 61-3-529, 61-3-537, 61-3-560 through 61-3-562, 61-3-570, and 67-3-204, for the purposes
 5 of high school equalization and state BASE funding program support. The revenue collected from this levy
 6 must be apportioned to the support of the BASE funding programs of high school districts in the county
 7 and to the state general fund in the following manner:

8 (a) In order to determine the amount of revenue raised by this levy that is retained by the county,
 9 the sum of the estimated revenue identified in subsection (2) must be subtracted from the sum of the
 10 county's high school tuition obligation and the total of the BASE funding programs of all high school
 11 districts of the county.

12 (b) If the basic levy and other revenue prescribed by this section produce more revenue than is
 13 required to repay a state advance for county equalization, the county treasurer shall remit the surplus
 14 funds to the state treasurer for deposit to the state general fund immediately upon occurrence of a surplus
 15 balance and each subsequent month, with any final remittance due no later than June 20 of the fiscal year
 16 for which the levy has been set.

17 (2) The revenue realized from the county's portion of the levy prescribed in this section and the
 18 revenue from the following sources must be used for the equalization of the high school BASE funding
 19 program of the county as prescribed in 20-9-335, and a separate accounting must be kept of the revenue
 20 by the county treasurer in accordance with 20-9-212(1):

21 (a) any money remaining at the end of the immediately preceding school fiscal year in the county
 22 treasurer's accounts for the various sources of revenue established in this section;

23 (b) any federal or state money distributed to the county as payment in lieu of property taxation,
 24 including federal forest reserve funds allocated under the provisions of 17-3-213;

25 (c) gross proceeds taxes from coal under 15-23-703;

26 (d) oil and natural gas production taxes; and

27 (e) anticipated revenue from ~~property taxes and fees imposed under 23-2-517, 23-2-803,~~
 28 ~~61-3-521, 61-3-529, 61-3-537, 61-3-570, and 67-3-204.~~"

29

30 **Section 4.** Section 23-2-518, MCA, is amended to read:

1 **"23-2-518. (Temporary) Disposition of fees in lieu of tax.** (1) Except for fees allocated under
 2 subsection (2), the county treasurer shall distribute ~~at~~ the remaining fees in lieu of tax collected on
 3 motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized
 4 canoes, motorized rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 in the ~~relative~~
 5 ~~proportions required by the levies for state, county, school district, and municipal purposes in the same~~
 6 manner as ~~personal property taxes~~ fees are distributed under 61-3-509(1).

7 (2) The county treasurer shall allocate 20% of all fees in lieu of tax collected under this section
 8 to the motorboat account in the state special revenue fund for use by the department as provided in
 9 23-2-533. (Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)

10 **23-2-518. (Effective July 1, 2002) Disposition of fees in lieu of tax.** The county treasurer shall
 11 distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in
 12 length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons
 13 pursuant to 23-2-516 and 23-2-517 in the ~~relative proportions required by the levies for state, county,~~
 14 ~~school district, and municipal purposes in the same manner as personal property taxes~~ fees are distributed
 15 under 61-3-509(1)."

16

17 **Section 5.** Section 23-2-616, MCA, is amended to read:

18 **"23-2-616. Registration and decals -- application and issuance -- use of certain fees.** (1) Except
 19 for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any
 20 person in Montana unless it has been registered and there is displayed in a conspicuous place on both sides
 21 of the cowl a decal as visual proof that the fee in lieu of property tax has been paid on it for the current
 22 year and the immediately previous year as required by 15-16-202.

23 (2) Application for registration must be made to the county treasurer upon forms to be furnished
 24 by the department of justice for this purpose, which may be obtained at the county treasurer's office in
 25 the county where the owner resides. The application ~~shall~~ must contain the following information:

- 26 (a) the name and address of the owner;
 27 (b) the certificate of ownership number;
 28 (c) the make of the snowmobile;
 29 (d) the model name of the snowmobile;
 30 (e) the year of manufacture;

1 (f) a statement evidencing payment of the fee in lieu of property tax as required by 15-16-202;
2 and

3 (g) other information as the department of justice may require.

4 (3) The application must be accompanied by a decal fee of \$5, a registration fee of 50 cents, and,
5 if the snowmobile has previously been registered, by the registration certificate for the most recent year
6 in which the snowmobile was registered. The treasurer shall sign the application and issue a registration
7 receipt that must contain information considered necessary by the department of justice and a listing of
8 fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county
9 treasurer for reregistration or to a purchaser or subsequent owner pursuant to a transfer of ownership.

10 (4) The county treasurer shall forward the signed application to the department of justice and shall
11 issue to the applicant a decal in the style and design prescribed by the department of justice and of a
12 different color than the preceding year, numbered in sequence.

13 (5) The county treasurer may not accept any application under this section until the applicant has
14 paid the decal and registration fees and the fee in lieu of property tax on the snowmobile for the current
15 year and the immediately previous year as required by 15-16-202.

16 (6) All money collected from payment of the decal fees and all interest accruing from use of this
17 money must be forwarded to the state treasurer and placed in the state special revenue fund to the credit
18 of the department, with \$2.50 designated for use in enforcing the purposes of 23-2-601 through 23-2-644
19 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities.
20 All money collected from payment of the registration fee must be forwarded to the state treasurer and
21 deposited in the general fund.

22 (7) The county treasurer shall ~~credit~~ distribute all fees in lieu of tax collected on snowmobiles ~~to~~
23 ~~the county motor vehicle suspense fund~~ in the same manner as provided for in 61-3-509(1)."

24

25 **Section 6.** Section 23-2-803, MCA, is amended to read:

26 **"23-2-803. Fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.** (1) There
27 is a fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory
28 of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the
29 owner of the off-highway vehicle resides.

30 (a) The fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is

1 \$9.

2 (b) Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by
3 subtracting the manufacturer's designated model year from the current calendar year.

4 (c) If the purchase year of an off-highway vehicle precedes the designated model year of the
5 off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is
6 considered the model year for the purposes of calculating the fee in lieu of tax.

7 (2) (a) Except as provided in subsection (2)(b), the county treasurer shall distribute all fees in lieu
8 of tax collected on off-highway vehicles pursuant to this section in the ~~relative proportions required by the~~
9 ~~levies for state, county, school district, and municipal purposes in the same manner as personal property~~
10 ~~taxes~~ same manner as fees are distributed under 61-3-509(1).

11 (b) The county treasurer shall remit \$1 of the fee in lieu of tax collected on an off-highway vehicle
12 to the department of agriculture for deposit in the noxious weed management trust fund provided for in
13 80-7-811."

14

15 **Section 7.** Section 61-3-509, MCA, is amended to read:

16 **"61-3-509. Disposition of taxes fees.** ~~(1) All registration fees imposed by 61-3-561 from light~~
17 ~~vehicles, all registration fees imposed by 61-3-522 from motor homes, all fees in lieu of tax imposed by~~
18 ~~61-3-527 from motorcycles and quadricycles, and all fees imposed by 61-3-529 from buses, motor~~
19 ~~vehicles having a manufacturer's rated capacity of more than 1 ton, and truck tractors, for which a license~~
20 ~~is sought and an original application for title that includes a manufacturer's statement of origin is made,~~
21 ~~must be remitted to the state treasurer every 30 days. The state treasurer shall credit the payments to the~~
22 ~~highway restricted state special revenue account.~~

23 ~~(2)(1) Except as provided in~~ for the amounts remitted to the state treasurer under subsections ~~(1)~~
24 ~~(2) and (3), every 30 days~~ the county treasurer shall, ~~after deducting the district court fee, credit all taxes~~
25 ~~on motor vehicles,~~ distribute the remaining registration fees on light vehicles, collected under 61-3-560
26 through 61-3-562 and fees in lieu of tax on motorcycles, quadricycles, motor homes, travel trailers,
27 campers, trailers, pole trailers, semitrailers, buses, trucks having a manufacturer's rated capacity of more
28 than 1 ton, and truck tractors collected under 61-3-521, 61-3-527, and 61-3-529; ~~61-3-537, and~~
29 ~~61-3-560 through 61-3-562 to a motor vehicle suspense fund. At some time between March 1 and March~~
30 ~~10 of each year and every 60 days after that date, the county treasurer shall distribute the money in the~~

1 ~~motor vehicle suspense fund. Except for registration fees collected under 61-3-560 through 61-3-562, the~~
 2 ~~county treasurer shall distribute the money in the fund in the relative proportions required by the levies for~~
 3 ~~state, county, school district, and municipal purposes in the same manner as personal property taxes are~~
 4 ~~distributed. For money in the fund collected under 61-3-527 and 61-3-560 through 61-3-562, the~~ The
 5 county treasurer shall disregard the statewide mills levied for the university system under 20-25-423, the
 6 mills levied for county elementary and high school equalization under 20-9-331 and 20-9-333, the mills
 7 levied for state equalization aid under 20-9-360, and the mills levied for state assumption of public
 8 assistance under 53-2-813 in determining distribution proportions of the money registration fees and fees
 9 in lieu of tax and may not distribute money collected under 61-3-521, 61-3-527, 61-3-529, and 61-3-560
 10 through 61-3-562 to the state for those levies.

11 (2) All registration fees collected under 61-3-560 and 61-3-561 from light vehicles for the first
 12 year of registration, all fees in lieu of tax collected under 61-3-522 from motor homes, all fees in lieu of
 13 tax collected under 61-3-527 from motorcycles and quadricycles, and all fees in lieu of tax collected under
 14 61-3-529 from buses, motor vehicles having a manufacturer's rated capacity of more than 1 ton, and
 15 truck tractors, for which a license is sought and an original application for title that includes a
 16 manufacturer's statement of origin is made, must be remitted to the state treasurer every 30 days. The
 17 state treasurer shall credit the payments to the highway restricted state special revenue account.

18 (3) ~~The~~ Except for the registration fees remitted to the state under subsection (2), the county
 19 treasurer shall deduct as a district court fee 10% of the amount of the remaining registration fee collected
 20 on light vehicles under 61-3-560 through 61-3-562. ~~The county treasurer shall credit the fee for district~~
 21 ~~courts to a separate suspense account and shall forward and remit~~ the amount in the account to the state
 22 treasurer at the time that the county treasurer distributes money from the motor vehicle suspense fund
 23 is distributed under subsection (2). The state treasurer shall credit amounts received under this subsection
 24 the payments to the state special revenue fund to be used for purposes of state funding of district court
 25 expenses as provided in 3-5-901."

26

27 **Section 8.** Section 61-3-537, MCA, is amended to read:

28 **"61-3-537. (Temporary) Local option vehicle tax.** (1) A county may impose a local vehicle tax on
 29 vehicles subject to the registration fee imposed under 61-3-560 through 61-3-562 at a rate of up to 0.7%
 30 of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under 61-3-560

1 through 61-3-562.

2 (2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the fee
3 imposed under 61-3-560 through 61-3-562. The first priority of the local vehicle tax or flat fee is for
4 district court funding, and the tax or fee is distributed as follows:

5 (a) 50% to the county; and

6 (b) the remaining 50% to the county and the incorporated cities and towns within the county,
7 apportioned on the basis of population. The distribution to a city or town is determined by multiplying the
8 amount of money available by the ratio of the population of the city or town to the total county population.
9 The distribution to the county is determined by multiplying the amount of money available by the ratio of
10 the population of unincorporated areas within the county to the total county population.

11 (3) The governing body of a county may impose, revise, or revoke a local vehicle tax or flat fee
12 if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The
13 imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the
14 electorate. The county governing body by resolution may provide for the distribution of the local vehicle
15 tax or flat fee. (Terminates June 30, 2005--sec. 2, 3, Ch. 217, L. 1995.)

16 **61-3-537. (Effective July 1, 2005) Local option vehicle tax.** (1) A county may impose a local
17 vehicle tax on vehicles subject to the registration fee imposed under 61-3-560 through 61-3-562 at a rate
18 of up to 0.7% of the value determined under 61-3-503, in addition to the fee imposed under 61-3-560
19 through 61-3-562.

20 (2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the fee
21 imposed under 61-3-560 through 61-3-562 and is distributed in the same manner as provided in
22 61-3-509(1), based on the registration address of the owner of the motor vehicle.

23 (3) The governing body of a county may impose, revise, or revoke a local vehicle tax if the
24 imposition, revision, or revocation of the tax is approved by the electorate of the county. The imposition,
25 revision, or revocation of the tax is effective on January 1 following its approval by the electorate."

26

27 NEW SECTION. Section 9. Effective date. [This act] is effective January 1, 2002.

28

29 NEW SECTION. Section 10. Applicability. [This act] applies to registration periods beginning after
30 December 31, 2000.

31

- END -