

HOUSE BILL NO. 442

INTRODUCED BY W. STAHL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A QUALITY EDUCATOR CARS FOR KIDS PAYMENT; IMPOSING AN ADDITIONAL FEE ON REGISTRATION OF CERTAIN VEHICLES TO FUND THE PAYMENT; REQUIRING SCHOOL DISTRICTS TO REPORT ANNUALLY TO THE OFFICE OF PUBLIC INSTRUCTION ON THE USE OF THE PAYMENTS; PROVIDING FOR THE COLLECTION AND ADMINISTRATION OF THE FEE; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. Section 1. Quality educator cars for kids payment -- distribution. (1) On or before

December 1 of each year, the state shall provide a quality educator cars for kids payment to the entities that receive a quality educator payment under 20-9-327.

(2) The office of budget and program planning shall determine the amount of the quality educator cars for kids payment for each entity by:

(a) determining the amount of the fees deposited during the prior calendar year and interest earned on the account provided for in 61-3-321(20)(b), as reported by the department of revenue, and dividing that sum by the total number of full-time equivalent educators as determined under 20-9-327(3) in the prior school year; and

(b) multiplying the amount determined under subsection (2)(a) by the number of full-time equivalent educators reported for each entity under 20-9-327(3).

(3) The quality educator cars for kids payment must be distributed to the office of public instruction, the Montana school for the deaf and blind, the department of corrections, and the department of military affairs for payment to entities entitled to receive a quality educator payment under 20-9-327.

(4) The quality educator cars for kids payment made to a school district may not be considered part of the district's BASE budget as that term is defined in 20-9-306.

(5) Each public school district shall deposit the quality educator cars for kids payment in the district's miscellaneous programs fund for the purposes of recruiting and retaining quality educators.

(6) Each public school district shall file an annual report with the office of public instruction, on a form



1 prescribed by the superintendent of public instruction, that specifies how the quality educator cars for kids
2 payment funds were expended.

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4 **Section 2.** Section 17-7-502, MCA, is amended to read:

5 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
6 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
7 need for a biennial legislative appropriation or budget amendment.

8 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
9 of the following provisions:

10 (a) The law containing the statutory authority must be listed in subsection (3).

11 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
12 appropriation is made as provided in this section.

13 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
14 5-11-407; 5-13-403; 7-4-2502; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314;
15 10-4-301; 15-1-121; 15-1-218; 15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
16 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304;
17 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
18 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202;
19 23-4-204; 23-4-302; 23-4-304; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501;
20 39-71-503; 41-5-2011; 42-2-105; 44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108;
21 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150;
22 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-1-115; 90-1-205;
23 90-3-1003; and 90-9-306.

24 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
25 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
26 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
27 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
28 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
29 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
30 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is

1 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014;
2 pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion of 15-35-108
3 terminates June 30, 2010; pursuant to sec. 17, Ch. 593, L. 2005, the inclusion of 15-31-906 terminates January
4 1, 2010; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates upon the death of the last
5 recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; and pursuant to sec. 6,
6 Ch. 2, Sp. L. September 2007, the inclusion of 76-13-150 terminates June 30, 2009.)"

7

8 **Section 3.** Section 61-3-321, MCA, is amended to read:

9 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
10 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
11 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
12 semitrailers, and pole trailers as provided in subsections (2) through (19):

13 (2) Unless a light vehicle is permanently registered under 61-3-562, the annual registration fee for light
14 vehicles, trucks and buses under 1 ton, and logging trucks less than 1 ton is as follows:

15 (a) if the vehicle is 4 or less years old, \$217;

16 (b) if the vehicle is 5 through 10 years old, \$87; and

17 (c) if the vehicle is 11 or more years old, \$28;

18 (3) Except as provided in subsection (14), the one-time registration fee based on the declared weight
19 of a trailer, semitrailer, or pole trailer is as follows:

20 (a) if the declared weight is less than 6,000 pounds, \$61.25; or

21 (b) if the declared weight is 6,000 pounds or more, \$148.25.

22 (4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and
23 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

24 (a) 2,850 pounds and over, \$10; and

25 (b) under 2,850 pounds, \$5.

26 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other
27 than a quadricycle or motorcycle is \$61.25.

28 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.

29 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:

30 (i) less than 2 years old, \$282.50;

- 1 (ii) 2 years old and less than 5 years old, \$224.25;
- 2 (iii) 5 years old and less than 8 years old, \$132.50; and
- 3 (iv) 8 years old and older, \$97.50.
- 4 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
- 5 under this section may permanently register the motor home upon payment of:
- 6 (i) a one-time registration fee of \$237.50; and
- 7 (ii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- 8 (8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and
- 9 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
- 10 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
- 11 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
- 12 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 13 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the
- 14 length of the travel trailer, is as follows:
- 15 (a) under 16 feet in length, \$72; and
- 16 (b) 16 feet in length or longer, \$152.
- 17 (10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat,
- 18 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:
- 19 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
- 20 \$65.50;
- 21 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
- 22 length, \$125.50; and
- 23 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.
- 24 (11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a
- 25 snowmobile is \$60.50.
- 26 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
- 27 of daily rental to customers is assessed:
- 28 (A) a fee of \$40.50 in the first year of registration; and
- 29 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.
- 30 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently

1 registered and the business is assessed the registration fee imposed in subsection (11)(a).

2 (12) A fee of \$5 must be collected when a new set of standard license plates, a new single standard
3 license plate, or a replacement set of special license plates required under 61-3-332 is issued. The \$5 fee
4 imposed under this subsection does not apply when previously issued license plates are transferred under
5 61-3-335. All registration fees imposed under this section must be paid if the vehicle to which the plates are
6 transferred is not currently registered.

7 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are
8 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
9 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
10 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
11 (1)(f), (1)(g), (1)(i), (1)(j), (1)(l), or (1)(m), 15-6-203, or 15-6-215, except as provided in 61-3-520.

12 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
13 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
14 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
15 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
16 this section.

17 (15) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

18 (16) Except as otherwise provided in this section, revenue collected under this section must be deposited
19 in the state general fund.

20 (17) The fees imposed by subsections (2) through (11) are not required to be paid by a dealer for the
21 enumerated vehicles or vessels that constitute inventory of the dealership.

22 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
23 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
24 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
25 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
26 the department of fish, wildlife, and parks shall use \$3.50 for state parks, 25 cents for fishing access sites, and
27 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

28 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
29 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
30 not to pay the additional \$4 fee provided for in subsection (18)(a). If a written election is made, the fee may not

1 be collected.

2 (19) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
3 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$5 must be
4 collected and forwarded to the state for deposit in the account established in 44-1-504.

5 (20) (a) For each light vehicle, trailer, semitrailer, pole trailer, heavy truck, motor home, motorcycle,
6 quadricycle, and travel trailer subject to a registration fee under this section, an additional fee of \$45 must be
7 collected and forwarded to the state.

8 (b) The department of revenue shall deposit the fee imposed in subsection (20)(a) in an account in the
9 state special revenue fund to be used for the quality educator cars for kids payment under [section 1]. Interest
10 and income earned on the account must be deposited in the account. The money in the account is statutorily
11 appropriated, as provided in 17-7-502, to the agencies and institutions listed in [section 1(3)] for distribution to
12 the appropriate entities.

13 ~~(20)~~(21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed
14 by 61-3-721."

15
16 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 20, chapter 9, part 3, and the provisions of Title 20, chapter 9, part 3, apply to [section 1].

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19 NEW SECTION. Section 5. Effective date. [This act] is effective January 1, 2010.

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