

1 HOUSE BILL NO. 610

2 INTRODUCED BY R. COOK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING FEES TO IMPLEMENT PROVISIONS OF
5 THE GENERAL APPROPRIATIONS ACT; INCREASING THE BOARD OF LIVESTOCK PER CAPITA FEE;
6 INCREASING TEACHER AND SPECIALIST CERTIFICATE FEES; REVISING THE ALLOCATION OF THE
7 OPTIONAL MOTOR VEHICLE REGISTRATION FEE TO INCREASE SUPPORT OF STATE PARKS;
8 INCREASING THE MAXIMUM AMOUNT OF THE ANNUAL PUBLIC WATER SUPPLY SYSTEM FEE;
9 INCREASING THE MAXIMUM AMOUNT OF FIRE PROTECTION FEES; PROVIDING RULEMAKING
10 AUTHORITY; AMENDING SECTIONS 15-24-922, 20-4-109, 61-3-321, 75-6-108, 76-13-201, 76-13-207, AND
11 76-13-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

12

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

14

15 **Section 1.** Section 15-24-922, MCA, is amended to read:

16 **"15-24-922. Board of livestock to prescribe per capita fee -- refunds.** (1) ~~The~~ Except as provided
17 in subsection (4), the board of livestock shall annually prescribe the amount of the per capita fee to be made
18 against livestock of all classes for the purpose indicated in 15-24-921.

19 (2) The per capita fee must be calculated each year to provide not more than 110% of the average
20 annual revenue that was generated in the 3 previous years. The calculation must apply a reasonable factor for
21 nonpayment and late payment of fees and for reimbursement to the department pursuant to 15-24-925 for
22 collection of the fee.

23 (3) (a) A livestock owner who moves livestock between states is entitled to a refund of the per capita fee
24 collected under 15-24-921 based on the number of months that the livestock have situs in Montana. The amount
25 of the refund is equal to the ratio of the number of months that the livestock do not have situs in the state to the
26 number of months in the year, multiplied by the original per capita fee due. A taxpayer shall apply to the board
27 of livestock on a form prescribed by the board for a refund allowed under this subsection by January 31 of the
28 following year. The application must include a statement showing the date when the livestock were moved out
29 of the state.

30 (b) For the purposes of 15-24-921 and this section, the per capita fee may not be prorated.

1 (4) For state fiscal years 2012 and 2013, the per capita fee against livestock of all classes must be
2 calculated at the maximum amount allowable under subsection (2)."

3

4 **Section 2.** Section 20-4-109, MCA, is amended to read:

5 **"20-4-109. Fees for teacher and specialist certificates.** (1) A person applying for the issuance or
6 renewal of a teacher or specialist certificate shall pay a fee not to exceed ~~\$6~~ \$10 for each school fiscal year that
7 the certificate is valid. In addition to this fee, a person who has never held any class of Montana teacher or
8 specialist certificate or for whom an emergency authorization of employment has never been issued shall pay
9 a filing fee of ~~\$6~~ \$10. The fees must be paid to the superintendent of public instruction, who shall deposit the fees
10 with the state treasurer to the credit of the state special revenue fund account, created in subsection (2), to be
11 used in the following manner:

12 (a) ~~\$4~~ \$5 for expenses of the certification standards and practices advisory council created in 2-15-1522;

13 (b) ~~\$2~~ \$5 to the board of public education and the certification standards and practices advisory council
14 for activities in support of the constitutional and statutory duties of the board of public education and the
15 certification standards and practices advisory council.

16 (2) There is an account in the state special revenue fund. Money from fees for teacher or specialist
17 certificates required in subsection (1) must be deposited in the account."

18

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

20 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
21 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
22 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
23 semitrailers, and pole trailers as provided in subsections (2) through (19):

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

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

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

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

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

- 1 (a) if the declared weight is less than 6,000 pounds, \$61.25; or
2 (b) if the declared weight is 6,000 pounds or more, \$148.25.
- 3 (4) Except as provided in subsection (14), the one-time registration fee for motor vehicles owned and
4 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:
5 (a) 2,850 pounds and over, \$10; and
6 (b) under 2,850 pounds, \$5.
- 7 (5) Except as provided in subsection (14), the one-time registration fee for off-highway vehicles other
8 than a quadricycle or motorcycle is \$61.25.
- 9 (6) The annual registration fee for heavy trucks, buses, and logging trucks in excess of 1 ton is \$22.75.
- 10 (7) (a) The annual registration fee for a motor home, based on the age of the motor home, is as follows:
11 (i) less than 2 years old, \$282.50;
12 (ii) 2 years old and less than 5 years old, \$224.25;
13 (iii) 5 years old and less than 8 years old, \$132.50; and
14 (iv) 8 years old and older, \$97.50.
- 15 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
16 under this section may permanently register the motor home upon payment of:
17 (i) a one-time registration fee of \$237.50;
18 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
19 deposited in the account established under 61-6-158; and
20 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406.
- 21 (8) (a) Except as provided in subsection (14), the one-time registration fee for motorcycles and
22 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
23 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.
24 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
25 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- 26 (9) Except as provided in subsection (14), the one-time registration fee for travel trailers, based on the
27 length of the travel trailer, is as follows:
28 (a) under 16 feet in length, \$72; and
29 (b) 16 feet in length or longer, \$152.
- 30 (10) Except as provided in subsection (14), the one-time registration fee for a motorboat, sailboat,

1 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

2 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
3 \$65.50;

4 (b) for a motorboat, sailboat, or motorized pontoon at least 16 feet in length but less than 19 feet in
5 length, \$125.50; and

6 (c) for a motorboat, sailboat, or motorized pontoon 19 feet in length or longer, \$295.50.

7 (11) (a) Except as provided in subsections (11)(b) and (14), the one-time registration fee for a
8 snowmobile is \$60.50.

9 (b) (i) A snowmobile that is licensed by a Montana business and is owned exclusively for the purpose
10 of daily rental to customers is assessed:

11 (A) a fee of \$40.50 in the first year of registration; and

12 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.

13 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
14 registered and the business is assessed the registration fee imposed in subsection (11)(a).

15 (12) (a) Except as provided in subsection (12)(b), a fee of \$10 must be collected when a new set of
16 standard license plates, a new single standard license plate, or a replacement set of special license plates
17 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
18 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
19 paid if the vehicle to which the plates are transferred is not currently registered.

20 (b) Until January 1, 2015, an additional fee of \$15 must be collected if a vehicle owner elects to keep
21 the same license plate number from license plates issued on or after January 1, 2006, but before January 1,
22 2010, when replacement of those plates is required under 61-3-332(3).

23 (c) The fees imposed in this subsection (12) must be deposited in the account established under
24 61-6-158, except that \$2 of the fee imposed in subsection (12)(a) must be deposited in the state general fund.

25 (13) The provisions of this part with respect to the payment of registration fees do not apply to and are
26 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
27 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
28 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(c), (1)(d), (1)(e),
29 (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.

30 (14) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,

1 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
 2 or motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411 is transferred, the new
 3 owner shall title and register the vehicle or vessel as required by this chapter and pay the fees imposed under
 4 this section.

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

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

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

10 (18) (a) Unless a person exercises the option in subsection (18)(b), an additional fee of \$4 must be
 11 collected for each light vehicle registered under this part. This fee must be accounted for and transmitted
 12 separately from the registration fee. The fee must be deposited in an account in the state special revenue fund
 13 to be used for state parks, for fishing access sites, and for the operation of state-owned facilities. Of the \$4 fee,
 14 the department of fish, wildlife, and parks shall use ~~\$3.50~~ \$3.75 for state parks, ~~25 cents for fishing access sites,~~
 15 and 25 cents for the operation of state-owned facilities at Virginia City and Nevada City.

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

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

23 (20) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
 24 61-3-721."

25

26 **Section 4.** Section 75-6-108, MCA, is amended to read:

27 **"75-6-108. Board to prescribe fees -- opportunity for appeal.** (1) The board shall by rule prescribe
 28 fees to be assessed annually by the department on owners of public water supply systems to recover department
 29 costs in providing services under this part. The annual fee for a public water supply system is no more than ~~\$2.25~~
 30 ~~for each service connection to the public water supply system for the biennium beginning July 1, 1991, and~~

1 ending June 30, 1993, and thereafter is no more than ~~\$2~~ \$7 for each service connection to the public water supply
 2 system, although the minimum fee for any system is \$100, except that the fee for a transient noncommunity water
 3 system is \$50.

4 (2) Public water supply systems in a municipality may raise the rates to recover costs associated with
 5 the fees prescribed in this section without the public hearing required in 69-7-111.

6 (3) The board shall by rule prescribe fees to be assessed by the department on persons who submit
 7 plans and specifications for construction, alteration, or extension of a public water supply system or public sewage
 8 system. The fees must be commensurate with the cost to the department of reviewing the plans and
 9 specifications.

10 (4) Fees collected pursuant to this section must be deposited in the public drinking water special revenue
 11 fund established in 75-6-115.

12 (5) (a) The department shall notify the owner of a public water supply system in writing of the amount
 13 of the fee to be assessed and the basis for the assessment. The owner may appeal the fee assessment in writing
 14 to the board within 20 days after receipt of the written notice.

15 (b) An appeal must be based on the allegation that the fee is erroneous or excessive. An appeal may
 16 not be based only on the fee schedule adopted by the board.

17 (c) If any part of the fee assessment is not appealed, it must be paid to the department upon receipt of
 18 the notice provided for in subsection (5)(a)."

19

20 **Section 5.** Section 76-13-201, MCA, is amended to read:

21 "**76-13-201. Costs for protection from fire.** (1) An owner of land classified as forest land that is within
 22 a wildland fire protection district or that is otherwise under contract for fire protection by a recognized agency is
 23 subject to the fees for fire protection provided in this section.

24 (2) The department shall provide fire protection to the land described in subsection (1) at a cost to the
 25 landowner of not more than ~~\$45~~ \$65 for each landowner in the protection district and of not more than an
 26 additional ~~25~~ 40 cents per acre per year for each acre in excess of 20 acres owned by each landowner in each
 27 protection district, as necessary to yield the amount of money provided for in 76-13-207. Assessment, payment,
 28 and collection of the fire protection costs must be in accordance with 76-13-207.

29 (3) Other charges may not be assessed to a participating landowner except in cases of proved
 30 negligence on the part of the landowner or the landowner's agent or in the event of a violation of 50-63-103."

1

2 **Section 6.** Section 76-13-207, MCA, is amended to read:

3 **"76-13-207. Determination and collection of costs of fire protection.** (1) The department shall
4 prepare an annual operation assessment plan in which fire protection costs are determined. The department shall
5 request the legislature to appropriate the state's portion of the cost. After the appropriation is made by the
6 legislature, the department shall cause an assessment to be made on the owners of land, as specified in
7 76-13-105 and 76-13-201, sufficient to bring the total amount received from the landowners to no greater than
8 ~~one-third~~ 51% of the amount specified in the appropriation.

9 (2) On or before the first Tuesday in September of each year, the department shall certify in writing to
10 the department of revenue the names of these owners of lands in each county, together with a description of their
11 lands and a statement of the amount found to be due and owing by each of the owners to the department for
12 wildland fire protection.

13 (3) Upon receiving the certificate from the department showing the amount due, the department of
14 revenue shall extend the amounts upon the county tax rolls covering the lands, and the sums become obligations
15 of the owner, to be paid and collected in the same manner and at the same time and subject to the same
16 penalties as general state and county taxes upon the same property are collected."

17

18 **Section 7.** Section 76-13-213, MCA, is amended to read:

19 **"76-13-213. Formula to set landowner assessments for fire protection.** (1) The department shall,
20 pursuant to 76-13-207, set the annual fire assessment fee due from landowners pursuant to Title 76, chapter 13,
21 parts 1 and 2. The total of all statewide landowner assessments may be no greater than ~~one-third~~ 51% of the
22 amount appropriated by the legislature to fund the protection costs.

23 (2) The individual assessments must be established using the following criteria:

24 (a) Each person or corporation who is responsible for fire protection pursuant to 76-13-108 and
25 76-13-201 and for whom the department provides fire protection must be assessed a per capita landowner fee.
26 The total per capita landowner assessments statewide from persons or corporations who own 20 acres or less
27 of land for which the department provides protection must be as close as administratively possible to 60% of the
28 total private landowner assessments.

29 (b) A person or corporation who owns more than 20 acres of land for which the department provides
30 protection shall, in addition to the fee assessed pursuant to subsection (2)(a), pay a per-acre fee for each whole

1 acre that the person owns in excess of 20 acres. The total of all assessments statewide from persons or
2 corporations that own more than 20 acres must be as close as administratively possible to 40% of the total private
3 landowner assessments.

4 (c) A person who owns a share of property and has full ownership of a unit on the property must be
5 assessed an amount not less than one-half of the amount established to be assessed for the property under
6 subsection (2)(a).

7 (3) (a) Except as provided in subsection (3)(b), the per capita and per-acre fees must remain in effect
8 for subsequent years.

9 (b) The department shall reset the per capita and per-acre fees whenever it is necessary to obtain up
10 to ~~one-third~~ 51% of the amount appropriated by the legislature.

11 (c) Whenever the department resets the fees pursuant to subsection (3)(b), it shall do so in accordance
12 with 76-13-201(2)."
13

14 COORDINATION SECTION. Section 8. Coordination instruction. If House Bill No. 370 is passed and
15 approved in a form that contains a section that amends 61-3-321(18)(a) by increasing the \$3.50 allocation for
16 state parks, then [section 3 of this act], amending 61-3-321, is void.
17

18 NEW SECTION. Section 9. Severability. If a part of [this act] is invalid, all valid parts that are severable
19 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
20 remains in effect in all valid applications that are severable from the invalid applications.
21

22 NEW SECTION. Section 10. Effective date. [This act] is effective on passage and approval.
23

24 NEW SECTION. Section 11. Applicability. [This act] applies to fees that are due and payable on or
25 after July 1, 2011.
26

- END -