

**SENATE JOURNAL  
58TH LEGISLATURE  
SEVENTY-SEVENTH LEGISLATIVE DAY**

Helena, Montana  
April 10, 2003

Senate Chambers  
State Capitol

Senate convened at 1:00 p.m. President Keenan presiding. Invocation by Pastor Keith Johnson. Pledge of Allegiance to the Flag.

Roll Call. All members present except Senator Elliott, excused. Quorum present.

The presiding officer has authenticated the daily journal for the seventy-sixth legislative day.

**SPECIAL ORDERS OF THE DAY**

Senator Grimes introduced the Helena Youth Choir, who performed several songs for the Senate.

**REPORTS OF STANDING COMMITTEES**

**FINANCE AND CLAIMS** (Zook, Chairman):

4/9/2003

**HB 10**, be concurred in. Report adopted.

**HB 12**, be concurred in. Report adopted.

**MESSAGES FROM THE GOVERNOR**

April 9, 2003

The Honorable Bob Keenan  
President of the Senate  
State Capitol  
Helena, Montana 59620

Dear Senator Keenan:

Please be informed that I have signed **Senate Bill 22** sponsored by Senator Nelson et al., **Senate Bill 24** sponsored by Senator Mangan, **Senate Bill 85** sponsored by Senator Cocchiarella, **Senate Bill 97** sponsored by Senator Story, **Senate Bill 133** sponsored by Senator Zook, **Senate Bill 150** sponsored by Senator Johnson, **Senate Bill 162** sponsored by Senator Story, **Senate Bill 163** sponsored by Senator Mangan, **Senate Bill 197** sponsored by Senator Perry et al., **Senate Bill 213** sponsored by Senator Nelson et al., and **Senate Bill 445** sponsored by Senator Barkus et al. on April 9, 2003.

Sincerely,

JUDY MARTZ  
Governor

**MESSAGES FROM THE OTHER HOUSE**

**Senate amendments** to House bills **concurred in:**

4/9/2003

**HB 90**, introduced by E. Clark

**HB 130**, introduced by Lewis

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**HB 141**, introduced by Lange  
**HB 203**, introduced by A. Olson  
**HB 213**, introduced by Gallik  
**HB 247**, introduced by Harris  
**HB 256**, introduced by Shockley  
**HB 289**, introduced by Newman  
**HB 292**, introduced by Younkin  
**HB 299**, introduced by Peterson  
**HB 315**, introduced by Lawson  
**HB 317**, introduced by Shockley  
**HB 358**, introduced by Lange  
**HB 385**, introduced by Fritz  
**HB 388**, introduced by Lake  
**HB 435**, introduced by Sinrud  
**HB 437**, introduced by A. Olson  
**HB 453**, introduced by Raser  
**HB 478**, introduced by Peterson  
**HB 480**, introduced by Steinbeisser  
**HB 573**, introduced by Parker  
**HB 584**, introduced by Barrett  
**HB 610**, introduced by Bergren  
**HB 618**, introduced by Dickenson  
**HB 647**, introduced by B. Thomas  
**HB 653**, introduced by Lambert  
**HB 681**, introduced by E. Clark  
**HB 703**, introduced by Parker

**Senate amendments** to House bills **not** concurred in:

4/9/2003

**HB 404**, introduced by D. Brown  
**HB 433**, introduced by P. Clark  
**HB 509**, introduced by A. Olson  
**HB 536**, introduced by Brueggeman  
**HB 564**, introduced by Lindeen  
**HB 689**, introduced by A. Olson  
**HB 720**, introduced by Hurwitz

**HB 404** - The House failed to concur in Senate amendments to **HB 404**, authorized the Speaker to appoint the following **Conference** Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 404**:

4/9/2003

Representative D. Brown, Chair  
Representative Gallus  
Representative Noennig

**HB 433** - The House failed to concur in Senate amendments to **HB 433**, authorized the Speaker to appoint the following **Conference** Committee, and requested that the Senate appoint a like committee to confer on Senate amendments to **HB 433**:

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

4/9/2003

Representative Younkin, Chair  
Representative P. Clark  
Representative Lange

**HB 509** - The House failed to concur in Senate amendments to **HB 509**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 509**:

4/9/2003

Representative A. Olson, Chair  
Representative Matthews  
Representative Mendenhall

**HB 536** - The House failed to concur in Senate amendments to **HB 536**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 536**:

4/9/2003

Representative Brueggeman, Chair  
Representative P. Clark  
Representative Noennig

**HB 564** - The House failed to concur in Senate amendments to **HB 564**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 564**:

4/9/2003

Representative McKenney, Chair  
Representative Lange  
Representative Lindeen

**HB 689** - The House failed to concur in Senate amendments to **HB 689**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 689**:

4/9/2003

Representative A. Olson, Chair  
Representative Ballantyne  
Representative Brueggeman

**HB 720** - The House failed to concur in Senate amendments to **HB 720**, authorized the Speaker to appoint the following **Free** Conference Committee, and requested that the Senate appoint a like committee to confer on **HB 720**:

4/9/2003

Representative Hurwitz, Chair  
Representative Jent  
Representative Younkin

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Thomas moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Barkus in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**SB 35 - House Amendments** - Senator Grimes moved House amendments to **SB 35** be concurred in. Motion carried unanimously.

**SB 95 - House Amendments** - Senator Stonington moved House amendments to **SB 95** be concurred in. Motion carried unanimously.

**SB 194 - House Amendments** - Senator Tash moved House amendments to **SB 194** be concurred in. Motion carried with Senator Hansen voting nay.

**SB 230 - House Amendments** - Senator Cromley moved House amendments to **SB 230** be concurred in. Motion carried unanimously.

**SB 231 - House Amendments** - Senator Cromley moved House amendments to **SB 231** be concurred in. Motion carried unanimously.

**SB 232 - House Amendments** - Senator Mahlum moved House amendments to **SB 232** be concurred in. Motion carried unanimously.

**SB 244 - House Amendments** - Senator Story moved House amendments to **SB 244** be concurred in. Motion carried unanimously.

**SB 247 - House Amendments** - Senator Cobb moved consideration of House amendments to **SB 247** be passed for the day. Motion carried unanimously.

**SB 263 - House Amendments** - Senator Grimes moved House amendments to **SB 263** be concurred in. Motion carried unanimously.

**SB 270 - House Amendments** - Senator Harrington moved House amendments to **SB 270** be concurred in. Motion carried with Senators Anderson, Esp, Gebhardt and Grimes voting nay.

**SB 275 - House Amendments** - Senator Laible moved House amendments to **SB 275** be concurred in. Motion carried unanimously.

**SB 282 - House Amendments** - Senator Squires moved House amendments to **SB 282** be concurred in. Motion carried unanimously.

**SB 288 - House Amendments** - Senator Mangan moved House amendments to **SB 288** be concurred in. Motion carried unanimously.

**SB 321 - House Amendments** - Senator Laible moved House amendments to **SB 321** be concurred in. Motion carried unanimously.

**\*\*\*SB 326 - House Amendments** - Senator McGee moved House amendments to **SB 326** be **not** concurred in. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McCarthy, McGee, McNutt, O'Neil, Perry, Shea, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook.

Total 29

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Hansen, Harrington, Kitzenberg, Mangan, Nelson, Pease, Roush, Ryan, Schmidt, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 19

Absent or not voting: None.  
Total 0

Excused: Elliott, Mr. President.  
Total 2

**SB 344 - House Amendments** - Senator Laible moved House amendments to **SB 344** be concurred in. Motion carried unanimously.

**SB 401 - House Amendments** - Senator Wheat moved House amendments to **SB 401** be concurred in. Motion carried unanimously.

**SB 423 - House Amendments** - Senator Black moved House amendments to **SB 423** be concurred in. Motion carried unanimously.

**SB 441 - House Amendments** - Senator D. Ryan moved House amendments to **SB 441** be concurred in. Motion carried unanimously.

**SB 447 - House Amendments** - Senator Grimes moved House amendments to **SB 447** be concurred in. Motion carried unanimously.

**SB 363 - House Amendments** - Senator McNutt moved House amendments to **SB 363** be concurred in. Motion carried with Senator O'Neil voting nay.

**SB 421** - Senator Grimes moved **SB 421**, second reading copy, be amended as follows:

1. Title, line 5.

**Strike:** "TEMPORARILY"

**Following:** "AMENDING THE"

**Insert:** "NAME AND"

**Strike:** "BOARD" on line 5 through "ELIMINATING THE" on line 6

2. Title, line 7.

**Following:** "AMENDING"

**Strike:** line 7 through "REPEALING"

3. Title, line 8.

**Strike:** "AND A TERMINATION DATE"

4. Page 2, line 14 through line 19.

**Strike:** subsections (1) and (2) in their entirety

5. Page 2, line 20.

**Strike:** "(3)"

**Strike:** "office" through "treatment"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**Insert:** "Montana board of prevention"

6. Page 2, line 21.

**Strike:** "(a)"

**Insert:** "(1)"

7. Page 2, line 24.

**Strike:** "(b)"

**Strike:** "(2)"

8. Page 2, line 27.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

9. Page 2, line 7 through line 8.

**Strike:** subsection (4) in its entirety

10. Page 3, line 10 through line 26.

**Strike:** section 3 through section 4 in their entirety

**Insert:** "**Section 3.** Section 2-15-225, MCA, is amended to read:

**"2-15-225. Interagency coordinating council for state Montana office of drug control and substance abuse prevention and treatment -- board of prevention programs.** (1) There is an interagency coordinating council for state Montana office of drug control and substance abuse prevention and treatment. The office is represented by the board of prevention programs consisting of the following members:

(a) the governor provided for in 2-15-103 who shall be the presiding officer;

~~(a)(b)~~ the attorney general provided for in 2-15-501;

~~(b)~~ the director of the department of public health and human services provided for in 2-15-2201;

(c) the superintendent of public instruction provided for in 2-15-701; and

~~(d)~~ the presiding officer of the Montana children's trust fund board;

~~(e)(d)~~ two persons three community or tribal representatives appointed by the governor who have experiences related to the private or nonprofit provision of drug control and substance abuse prevention and treatment programs and services;

~~(f)~~ the administrator of the board of crime control provided for in 2-15-2006;

~~(g)~~ the commissioner of labor and industry provided for in 2-15-1701;

~~(h)~~ the director of the department of corrections provided for in 2-15-2301;

~~(i)~~ the state coordinator of Indian affairs provided for in 2-15-217;

~~(j)~~ the adjutant general of the department of military affairs provided for in 2-15-1202;

~~(k)~~ the director of the department of transportation provided for in 2-15-2501;

~~(l)~~ the commissioner of higher education provided for in 2-15-1506; and

~~(m)~~ the designated representative of a state agency desiring to participate who is accepted as a member by a majority of the current coordinating council members.

(2) Except for the initial appointments, each appointed board member shall serve a 4-year term and may be reappointed for one additional term. The governor shall appoint members to staggered terms with one member appointed to an initial term of 2 years, one member appointed to an initial term of 3 years, one member appointed to an initial term of 4 years. The members shall serve on the board without compensation.

~~(2)(3)~~ The coordinating council board shall perform the following duties:

~~(a)~~ develop, through interagency planning efforts, a comprehensive and coordinated prevention program delivery system that will strengthen the healthy development, well-being, and safety of children, families, individuals,

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

and communities;

~~(b) develop appropriate interagency prevention programs and services that address the problems of at-risk children and families and that can be provided in a flexible manner to meet the needs of those children and families;~~

~~(c) study various financing options for prevention programs and services;~~

~~(d) ensure that a balanced and comprehensive range of prevention services is available to children and families with specific or multiagency needs;~~

(a) support a comprehensive and coordinated drug control and substance abuse prevention and treatment system that will strengthen Montana children, families, and communities;

(b) provide leadership and advocacy for a balanced and comprehensive range of drug control and substance abuse prevention and treatment efforts with the public and state, local, and tribal policymakers;

~~(c)~~(c) assist in development of cooperative partnerships among state agencies and community-based public and private providers of drug control and substance abuse prevention and treatment programs;

~~(f) prepare and present to the legislature and to the appropriate standing and interim legislative committees a unified budget for state prevention programs, which must be published in the governor's executive budget; and~~

~~(g)~~(d) develop, maintain, and implement establish goals and benchmarks for state prevention programs to meet the purposes provided in [sections 1 and 2]. As used in this subsection, "benchmark" means a specified reference point in the future that is used to measure the state of affairs at that point in time and to determine progress toward or the attainment of an ultimate goal, which is an outcome reflecting the desired state of affairs.

~~(4)~~(4) The coordinating council board shall cooperate with and report to any standing or interim legislative committee that is assigned to study the policies and funding for drug control and substance abuse prevention and treatment programs or other state programs and policies related to children and families, and shall present a biennial report of findings and recommendations to the legislature as provided in 5-11-210.

~~(4) The coordinating council must be compensated, reimbursed, and otherwise governed by the provisions of 2-15-122.~~

~~(5) The coordinating council board is attached for administrative purposes only to the governor's office, which may assist the council board by providing staff and budgetary, administrative, and clerical services that the council board or its presiding officer requests.~~

~~(6) Staffing and other resources may be provided to the coordinating council board only from state and nonstate resources donated to the council board and from direct appropriations by each legislature."~~

**Insert:** "NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa."

11. Page 3, line 29.

**Strike:** "Title 44, chapter 4, part 3" in both places

**Insert:** "Title 2, chapter 15, part 2" in both places

12. Page 4, line 4.

**Strike:** section 7 in its entirety

Amendment **adopted** unanimously.

**SB 421** - Senator Grimes moved **SB 421**, as amended, do pass. Motion carried unanimously.

**SB 485** - Senator Cobb moved consideration of **SB 485** be passed for the day. Motion carried.

**SB 490** - Senator Esp moved **SB 490**, second reading copy, be amended as follows:

1. Page 8, line 22.

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**Following: "instruction."**

**Insert:** "(1)"

2. Page 8, line 24.

**Strike:** "(1)"

**Insert:** "(a)"

3. Page 8, line 25.

**Strike:** "(2)"

**Insert:** "(b)"

4. Page 11, line 16.

**Strike:** "(3)"

**Insert:** "(c)"

5. Page 11, line 30.

**Following:** "administration.""

**Insert:** "(2) If Senate Bill No. 19 and [this act] are both passed and approved, then [section 4] of Senate Bill No. 19, amending 3-5-902, is void."

Amendment **adopted** unanimously.

**SB 490** - Senator Esp moved **SB 490**, as amended, do pass. Motion carried unanimously.

**HB 5** - Senator Tester moved **HB 5** be concurred in. Motion carried with Senator Cocchiarella voting nay.

**HB 9** - Senator Tropila moved **HB 9** be concurred in. Motion carried unanimously.

**HB 100** - Senator Hansen moved **HB 100** be concurred in. Motion carried as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

Total 45

Nays: Esp, Mahlum.

Total 2

Absent or not voting: Bales, Glaser.

Total 2

Excused: Elliott.

Total 1

**HB 249** - Senator Shea moved **HB 249** be concurred in. Motion carried unanimously.

Senator Thomas moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Keenan in the chair. Chairman Barkus moved the Committee of the Whole report be adopted. Report adopted



SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

unanimously.

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 47, as amended by Conference Committee Report No. 1**, adopted as follows:

Yeas: Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 48

Nays: Anderson.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**HB 56, as amended by Conference Committee Report No. 1**, adopted as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 48

Nays: Esp.  
Total 1

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**HB 403, as amended by Conference Committee Report No. 1**, adopted as follows:

Yeas: Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Gebhardt, Glaser, Grimes, Hansen, Harrington, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Mr. President.  
Total 42

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

Nays: Anderson, Bales, Esp, Johnson, O'Neil, Stapleton, Zook.  
Total 7

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**SB 13, as amended by the House**, passed as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 46

Nays: Bales, Gebhardt, O'Neil.  
Total 3

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**SB 115, as amended by the House**, passed as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.  
Total 47

Nays: McGee, O'Neil.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**SB 111, as amended by the House**, passed as follows:

Yeas: Anderson, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, DePratu, Ellingson, Esp, Gebhardt, Glaser, Grimes, Hansen, Harrington, Johnson, Kitzenberg, Laible, Mahlum, Mangan, McCarthy, McNutt, Nelson, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Toole, Tropila, Wheat, Zook, Mr. President.

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

Total 47

Nays: Bales, McGee.  
Total 2

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**HB 758** concurred in as follows:

Yeas: Bales, Barkus, Black, Cocchiarella, Curtiss, DePratu, Esp, Gebhardt, Glaser, Hansen, Kitzenberg, Laible, Mangan, McCarthy, McNutt, O'Neil, Pease, Perry, Roush, Ryan, Shea, Sprague, Squires, Stapleton, Story, Tash, Taylor, Tester, Thomas, Tropila, Zook, Mr. President.  
Total 32

Nays: Anderson, Bohlinger, Butcher, Cobb, Cooney, Cromley, Ellingson, Elliott, Grimes, Harrington, Johnson, Mahlum, McGee, Nelson, Schmidt, Stonington, Toole, Wheat.  
Total 18

Paired: Sprague, Aye; Elliott, No.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF STANDING COMMITTEES**

**TAXATION** (DePratu, Chairman):  
**HB 559**, be amended as follows:

4/10/2003

1. Title, page 1, line 8.

**Following:** "DECAL;"

**Insert:** "SIMPLIFYING THE FEES IN LIEU OF TAX IMPOSED ON BOATS AND CERTAIN OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; CHANGING FROM ANNUAL TO ONE-TIME-ONLY THE REGISTRATION, LICENSING, AND IMPOSITION OF THE FEE IN LIEU OF TAX AND CERTAIN OTHER FEES PAYABLE ON CERTAIN BOATS AND OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; ELIMINATING THE FEE IN LIEU OF TAX ON CERTAIN WATERCRAFT; ELIMINATING THE REGISTRATION OF AND VARIOUS FEES PAYABLE ON CAMPERS; REQUIRING THE PERMANENT REGISTRATION OF A LIGHT VEHICLE THAT IS 11 YEARS OLD OR OLDER OTHER THAN VEHICLES WITH COLLEGIATE OR SPECIALTY LICENSE PLATES; INCREASING FEES FOR ANNUALLY REGISTERED MOTOR VEHICLES; REVISING THE FEES APPLICABLE TO A PERMANENT REGISTRATION; REVISING THE ALLOCATION OF THE FEES

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

FOR PERMANENTLY REGISTERED VEHICLES;"

2. Title, page 1, line 9.

**Strike:** "23-2-520,"

**Insert:** "23-2-516,23-2-517, 23-2-518, 23-2-519,"

**Strike:** "23-2-618,"

3. Title, page 1, line 10.

**Strike** "23-2-620,"

**Insert:** "23-2-626,"

**Following:** "23-2-642,"

**Insert:** "23-2-803, 23-2-804, 23-2-807, 23-2-809, 23-2-817, 61-1-129, 61-3-303,"

**Following:** "61-3-312,"

**Insert:** "61-3-313, 61-3-315,"

**Strike:** "61-3-519,"

**Insert:** "61-3-521, 61-3-523,"

4. Title, page 1, line 11.

**Strike:** "61-3-524, 61-3-525,"

**Following:** "61-3-526,"

**Strike:** "AND"

**Insert:** "61-3-527, 61-3-530,"

**Following:** "61-3-535,"

**Insert:** "61-3-560, 61-3-561, 61-3-562, AND 61-3-570,"

**Following:** "MCA;"

**Insert:** "REPEALING SECTIONS 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, AND 61-3-606, MCA;"

5. Page 2, line 1.

**Strike:** "fiscal year 2002 and for"

**Strike:** "succeeding"

6. Page 2, line 6.

**Following:** "GVW"

**Insert:** "that is"

7. Page 2, line 7.

**Following:** "part 3"

**Insert:** ", and beginning in fiscal year 2007, \$4 for each permanently registered light vehicle"

8. Page 2, line 12.

**Following:** "\$1"

**Insert:** "in fiscal year 2006 and, in each subsequent year, \$3"

**Strike:** "subject to payment of"

**Insert:** "for which"

**Following:** "tax"

**Insert:** "is paid"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

9. Page 2, line 14.

**Following:** "(ii)"

**Insert:** "for vehicles registered or reregistered pursuant to 61-3-321:

(A)"

**Following:** "each"

**Insert:** "registered"

**Strike:** "vehicles"

**Insert:** "vehicle"

10. Page 2, lines 15 and 16.

**Following:** "ton," on line 15

**Insert:** "and motor home; and

(B) \$1.50 in fiscal year 2006 and, in each subsequent year, \$3 for each"

**Following:** "motorcycle" on line 15

**Strike:** ", "

**Insert:** "and"

**Strike:** ", and motor" on line 15 through "61-3-321" on line 16

**Insert:** "; and

(C) beginning in fiscal year 2007, \$6 for each permanently registered light vehicle"

11. Page 2, line 18.

**Following:** "\$2.50"

**Insert:** "in fiscal year 2006 and, in each subsequent year, \$14.50"

12. Page 2, line 21.

**Following:** "\$5"

**Insert:** "in fiscal year 2006 and, in each subsequent year, \$19"

**Strike:** "\$2.50"

**Insert:** "50% of the amount"

13. Page 2, line 22.

**Strike:** "\$2.50"

**Insert:** "50% of the amount"

14. Page 2, line 25.

**Following:** "\$5"

**Insert:** "in fiscal year 2006 and, in each subsequent year, \$13.25"

15. Page 2, line 29.

**Following:** "\$3.50"

**Insert:** "in fiscal year 2006 and, in each subsequent year, \$8"

16. Page 2, line 30.

**Strike:** "camper,"

**Strike:** "or 61-3-524"

17. Page 3, line 5.

**Following:** "(10)(h)"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**Insert:** "and, beginning in fiscal year 2007, 20 cents for each light vehicle subject to registration or reregistration pursuant to 61-3-321"

18. Page 3, line 7.

**Following:** "cents"

**Insert:** "for fiscal year 2006 and 50 cents in each subsequent year"

**Following:** "than"

**Insert:** ": (i)"

19. Page 3.

**Following:** line 8

**Insert:** "(ii) vehicles registered under 61-3-527 and 61-3-562; and"

20. Page 3, line 9.

**Following:** "each"

**Insert:** "registered"

**Following:** "vehicle"

**Insert:** "and, beginning in fiscal year 2007, \$1.25 for each permanently registered vehicle"

21. Page 3, line 17.

**Following:** "(3)."

**Insert:** "The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered."

22. Page 3, line 20.

**Following:** "."

**Insert:** "Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners."

23. Page 3, line 25.

**Strike:** "current and back"

24. Page 3, line 26.

**Strike:** "boat"

**Insert:** "motorboat, sailboat, or personal watercraft described in 23-2-517"

25. Page 3, line 27.

**Strike:** "and the immediately previous year"

26. Page 3, line 30.

**Strike:** "and the immediately previous year"

27. Page 4, line 2.

**Following:** "(3)"

**Insert:** "(a)"

**Following:** "15-1-101"

**Insert:** "and except as provided in subsection (3)(b) of this section"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

28. Page 4, line 3.

**Strike:** "or assessed"

29. Page 4.

**Following:** line 5

**Insert:** "(b) The vehicle registration fees or fee in lieu of tax imposed against a motor vehicle described in 61-3-303(6) must be paid before a motor vehicle may be registered pursuant to 61-3-303."

30. Page 4, line 6.

**Strike:** "through"

**Insert:** "and"

**Following:** "(3)"

**Insert:** "(a)"

31. Page 4, line 12.

**Strike:** "annually"

32. Page 4, line 14.

**Following:** "required"

**Insert:** "by the department of justice"

33. Page 5, line 15.

**Strike:** "a"

**Insert:** "each"

34. Page 9, line 1.

**Following:** "\$3.50"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$15.50"

35. Page 9, line 7.

**Following:** "required"

**Insert:** "under 23-2-517"

36. Page 9, line 8.

**Strike:** "for the current year of certification"

**Following:** "certification or"

**Insert:** ", if applicable,"

37. Page 9, line 17.

**Strike:** "for a period not to exceed 1 year"

38. Page 9, line 18 through line 22.

**Strike:** "The" on line 18 through "part." on line 22

**Renumber:** subsequent subsections

39. Page 11, line 8.

**Strike:** "the"

**Insert:** "a"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

40. Page 11, line 21.

**Strike:** "(9)"

**Insert:** "(8)"

41. Page 11, line 26.

**Strike:** "(9)"

**Insert:** "(8)"

42. Page 12, line 6.

**Strike:** "the dealer maintains"

**Following:** "records"

**Insert:** "are maintained"

**Following:** "~~where he~~"

**Insert:** "where the dealer"

43. Page 13, line 10.

**Following:** "and"

**Insert:** ", if applicable, all"

44. Page 13, line 12.

**Following:** "(2)"

**Insert:** "(a)"

45. Page 13, line 13.

**Following:** "shall"

**Insert:** "each year"

**Following:** "."

**Insert:** "(b)"

46. Page 13, lines 14 through 15.

**Strike:** "and have" on line 14 through "decal" on line 15

47. Page 13.

**Following:** line 15

**Insert:** "(c) The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership."

48. Page 13, lines 19 through 22.

**Strike:** section 11 in its entirety

**Insert:** "**Section 11.** Section 23-2-516, MCA, is amended to read:

**"23-2-516. Fee in lieu of tax for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts, and motorized pontoons.~~** (1) (a) There is a fee in lieu of property tax as prescribed in 23-2-517 imposed on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts, and motorized pontoons.~~

(b) The fee is in addition to the ~~annual~~ fee required by 23-2-512 for filing of the application for a certificate of number ~~and is a one-time fee.~~

(2) The fee imposed by subsection (1) need not be paid by a dealer for motorboats, sailboats, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ or motorized pontoons that constitute inventory of the dealership."

**Insert:** "**Section 12.** Section 23-2-517, MCA, is amended to read:



SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**"23-2-517. Fees for motorboats, sailboats, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons.** (1) The owner of a motorboat 10 feet in length or longer, or a sailboat 12 feet in length or longer, a personal watercraft, or a motorized pontoon shall pay a fee based on the length and age of the motorboat or sailboat as follows:

(a) ~~The~~ Regardless of the vessel's age, the fee schedule for a motorboat at least 10 feet in length but less than ~~14~~ 16 feet in length, or a sailboat at least 12 feet in length but less than ~~14~~ 16 feet in length, a personal watercraft less than 16 feet in length, or a motorized pontoon less than 16 feet in length is as follows:

~~\_\_\_\_\_~~ (i) for a motorboat or sailboat less than 5 years of age, \$7.50;  
~~\_\_\_\_\_~~ (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$5.65; and  
~~\_\_\_\_\_~~ (iii) for a motorboat or sailboat 10 years of age or older, \$3.75 \$25 in calendar year 2004 and, in each subsequent year, \$50 and, except as provided in subsection (2), is a one-time fee.

(b) ~~The~~ Regardless of the vessel's age, the fee schedule for a motorboat or sailboat at least ~~14~~ 16 feet in length but less than ~~16~~ 19 feet in length, a personal watercraft 16 feet in length or longer, or a motorized pontoon 16 feet in length or longer is as follows:

~~\_\_\_\_\_~~ (i) for a motorboat or sailboat less than 5 years of age, \$15;  
~~\_\_\_\_\_~~ (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$11.25; and  
~~\_\_\_\_\_~~ (iii) for a motorboat or sailboat 10 years of age or older, \$7.50;  
~~\_\_\_\_\_~~ (c) The fee schedule for a motorboat or sailboat at least 16 feet in length but less than 17 feet in length is as follows:

~~\_\_\_\_\_~~ (i) for a motorboat or sailboat less than 5 years of age, \$32;  
~~\_\_\_\_\_~~ (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$24; and  
~~\_\_\_\_\_~~ (iii) for a motorboat or sailboat 10 years of age or older, \$16;  
~~\_\_\_\_\_~~ (d) The fee schedule for a motorboat or sailboat at least 17 feet in length but less than 19 feet in length is as follows:

~~\_\_\_\_\_~~ (i) for a motorboat or sailboat less than 5 years of age, \$3 a foot or fraction of a foot;  
~~\_\_\_\_\_~~ (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$2.25 a foot or fraction of a foot; and  
~~\_\_\_\_\_~~ (iii) for a motorboat or sailboat 10 years of age or older, \$1.50 a foot or fraction of a foot \$55 in calendar year 2004 and, in each subsequent year, \$110 and, except as provided in subsection (2), is a one-time fee.

~~(c)~~ (c) The fee schedule for a motorboat or sailboat 19 feet in length or longer is as follows:  
~~\_\_\_\_\_~~ (i) for a motorboat or sailboat less than 5 years of age, \$4 a foot or fraction of a foot;  
~~\_\_\_\_\_~~ (ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$3 a foot or fraction of a foot; and

~~\_\_\_\_\_~~ (iii) for a motorboat or sailboat 10 years of age or older, \$2 a foot or fraction of a foot \$140 in calendar year 2004 and, in each subsequent year, \$280.

(2) ~~The~~ The owner of a personal watercraft shall pay a fee based on the age of the watercraft as follows:  
~~\_\_\_\_\_~~ (a) The fee for a personal watercraft less than 4 years of age is \$22.  
~~\_\_\_\_\_~~ (b) The fee for a personal watercraft 4 years of age or older is \$15.

~~\_\_\_\_\_~~ (3) (a) Except as provided in subsection (3)(b) ~~(2)(b)~~, the age of a motorboat, sailboat, or personal watercraft is determined by subtracting the manufacturer's designated model year from the current calendar year.

~~\_\_\_\_\_~~ (b) If the purchase year of a motorboat, sailboat, or personal watercraft precedes the designated model year of the motorboat, sailboat, or personal watercraft and the motorboat, sailboat, or personal watercraft is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

~~\_\_\_\_\_~~ (4) The fee for a motorized canoe or a motorized rubber raft is \$7.50, regardless of its length or age.  
~~\_\_\_\_\_~~ (5) The fee for a motorized pontoon is \$20, regardless of its length or age.

~~(2)~~ (2) Whenever a transfer of ownership of a vessel described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner. ""

**Insert: "Section 13.** Section 23-2-518, MCA, is amended to read:

**"23-2-518. (Temporary) Disposition of fees in lieu of tax.** The county treasurer shall transfer all fees in lieu

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts~~, and motorized pontoons pursuant to 23-2-516 and 23-2-517 to the state general fund. (Terminates June 30, 2006--secs. 2, 3, Ch. 95, L. 2001.)

**23-2-518. (Effective July 1, 2006) Disposition of fees in lieu of tax.** The county treasurer shall transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts~~, and motorized pontoons pursuant to 23-2-516 and 23-2-517 to the state general fund.""

**Insert: "Section 14.** Section 23-2-519, MCA, is amended to read:

**"23-2-519. (Temporary) Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to four times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft~~, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft~~, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part. (Terminates June 30, 2006--sec. 4, Ch. 95, L. 2001.)

**23-2-519. (Effective July 1, 2006) Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to five times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft~~, or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft~~, or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part.""

**Renumber:** subsequent sections

49. Page 13, line 30.

**Strike:** "for a given registration year"

**Insert:** "due in order for the snowmobile to be validly registered"

50. Page 14, line 3 through line 4.

**Strike:** ", as" on line 3 through "(7)" on line 4

51. Page 14, line 5.

**Strike:** "means a"

**Insert:** "includes each"

52. Page 14, line 7.

**Strike:** "means a"

**Insert:** "includes each"

53. Page 15, line 3.

**Following:** "in the"

**Insert:** "state"

54. Page 15, line 8.

**Strike:** "for the current year"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

55. Page 17, line 2.

**Following:** "\$6.50"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$20.50"

56. Page 17, line 6 through line 7.

**Strike:** "for reregistration"

57. Page 17, line 9.

**Following:** "justice"

**Strike:** "and"

**Insert:** ". Each year the decals must be"

58. Page 17, line 12 through line 13.

**Strike:** "for" on line 12 through "year" on line 13

59. Page 17, line 26 through page 18, line 6.

**Strike:** sections 17 and 18 in their entirety

**Insert:** "**Section 20.** Section 23-2-626, MCA, is amended to read:

**"23-2-626. Fee One-time fee in lieu of tax on snowmobiles -- exception.** (1) ~~There~~ Except as provided in subsections (3) and (4), there is a one-time fee in lieu of tax on snowmobiles of \$20 in calendar year 2004 and, in each subsequent year, \$40.

~~(2) The fee for a snowmobile less than 4 years old is \$22. In all other cases the fee is \$15.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a snowmobile is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~———— (b) If the purchase year of a snowmobile precedes the designated model year of the snowmobile and the snowmobile is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) Except as provided in subsection (3), whenever a transfer of ownership of a snowmobile occurs, the fee required under subsection (1) must be paid by the new owner.

~~(4)(3) The fee need not be paid by a dealer for snowmobiles that constitute inventory of the dealership.~~

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

(a) a 1-year fee in lieu of tax of \$20 in the first year of registration; and

(b) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in subsection (1)."

**Renumber:** subsequent sections

60. Page 18, line 22.

**Insert:** "**Section 22.** Section 23-2-803, MCA, is amended to read:

**"23-2-803. Fee One-time fee in lieu of tax on off-highway vehicles -- exception -- disposition of fees.** (1) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of tax on off-highway vehicles, other than off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides.

~~(a) The one-time fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is \$9 is \$20 in calendar year 2004 and, in each subsequent year, \$40.~~

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

~~———— (c) If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is considered the model year~~

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

for the purposes of calculating the fee in lieu of tax.

(2) Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under subsection (1) must be paid by the new owner.

~~(2)~~(3) The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the state general fund.""

**Insert: "Section 23.** Section 23-2-804, MCA, is amended to read:

**"23-2-804. Decal required.** (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by ~~any~~ a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid ~~for the current year~~:

- (a) (i) the fee in lieu of tax provided for in 23-2-803; and
- (ii) the registration fee provided for in 61-3-321; or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt.

(2) The decal must be serially numbered ~~and have the expiration date of December 31 of the appropriate year printed on the decal.~~""

**Insert: "Section 24.** Section 23-2-807, MCA, is amended to read:

**"23-2-807. Penalty -- disposition.** (1) The failure to display a ~~current~~ valid decal indicating that the fee in lieu of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid on the off-highway vehicle ~~for the current year~~, as provided in 23-2-804, is a misdemeanor punishable by a fine of \$50.

(2) All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund.""

**Insert: "Section 25.** Section 23-2-809, MCA, is amended to read:

**"23-2-809. Duplicate decal.** If a decal required in 23-2-804 indicating that the off-highway vehicle fee has been paid ~~for the current year~~ is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of \$5 to the county treasurer, who shall distribute the fee as provided in ~~23-2-804~~(3) 23-2-803.""

**Insert: "Section 26.** Section 23-2-817, MCA, is amended to read:

**"23-2-817. Registration fee -- application and issuance -- disposition.** (1) Each off-highway vehicle is subject to ~~an annual~~ a registration fee of \$2.

(2) The county treasurer shall collect the ~~annual~~ fee when the fee in lieu of tax is collected.

(3) Application for registration must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The application must contain:

- (a) the name and home mailing address of the owner;
- (b) the certificate of ownership number;
- (c) the name of the manufacturer of the off-highway vehicle;
- (d) the model number or name;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax; and
- (g) ~~such~~ other information as that the department of justice may require.

(4) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt, ~~which must contain~~ containing the information considered necessary by the department of justice and a listing of the fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer ~~for reregistration~~ or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(5) All registration fees collected must be forwarded to the department of justice and deposited in the state general fund.""

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**Insert: "Section 27.** Section 61-1-129, MCA, is amended to read:

**"61-1-129. Camper.** (1) The term "camper" as used in 61-1-102, ~~61-3-524, and 61-3-525~~ includes but is not limited to truck camper, chassis-mounted camper, cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(2) The term does not include a truck canopy cover or topper."

**Insert: "Section 28.** Section 61-3-303, MCA, is amended to read:

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

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

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

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

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

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

(f) other information that the department may require.

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

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

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

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

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

(a) the current year; and

(b) except as provided in subsection (6), the immediately ~~previous~~ preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department may make full and complete investigation of the status of the vehicle. An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department.

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

(6) (a) Except as provided in subsection (6)(b), the fees in lieu of tax, taxes, and fees imposed on or collected

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (6)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees."

**Renumber:** subsequent sections

61. Page 18, line 24.

**Following:** "application"

**Insert:** "(1)(a)"

**Strike:** "Registration"

**Insert:** "Except as provided in subsection (1)(b), the registration of a vehicle"

62. Page 18, line 25.

**Following:** "annually."

**Insert:** "(b) Once registered, a vehicle described in 61-3-303(6)(a) is registered permanently unless ownership of the vehicle is transferred. A transfer of ownership of a vehicle described in 61-3-303(6)(a) requires the new owner to register the vehicle as provided in this title.

(2)"

63. Page 18, line 26.

**Strike:** the first "and"

**Insert:** "61-3-560, 61-3-562,"

**Following:** "61-3-721"

**Insert:** ", and subsection (1)(b) of this section"

64. Page 18, line 27.

**Following:** "year."

**Insert:** "(3)"

65. Page 19, line 2.

**Following:** "in"

**Insert:** "61-3-311(2) and (3),"

66. Page 19, line 3.

**Following:** "61-3-526,"

**Insert:** "61-3-560, 61-3-562,"

67. Page 19, line 11.

**Insert:** "**Section 31.** Section 61-3-313, MCA, is amended to read:

**"61-3-313. Vehicles subject to staggered registration.** For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except:

- (1) vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;
- (2) mobile homes and motor homes;
- (3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411, or 61-3-421;
- (4) trucks exceeding a 1-ton rated capacity;

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

- (5) trailers, semitrailers, tractors, and buses, ~~motorcycles, quadricycles, and motor-driven cycles;~~
- (6) special mobile equipment as defined in 61-1-104;
- (7) motor vehicles registered as part of a fleet under 61-3-318; and
- (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733."

**Insert:** "Section 32. Section 61-3-315, MCA, is amended to read:

**"61-3-315. Reregistration on anniversary date -- department to make rules.** (1) A vehicle that has been registered for any of the periods designated in 61-3-314 must be reregistered for the same period on or before the anniversary date of the initial registration unless that period is changed as provided in subsections (2) and (4). The anniversary date for reregistration is the last day of the month for the designated registration period.

(2) (a) The owner of a motor vehicle subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, may register the motor vehicle for a period not to exceed 24 months. The registration expires on the last day of the 24th month commencing from the date of the designated registration period under 61-3-314 for which the vehicle is registered.

(b) The owner of a motor vehicle 11 years old or older subject to the provisions of 61-3-313 through 61-3-316 and subject to the registration fee, as provided in 61-3-560 and 61-3-561, ~~may~~ shall permanently register the motor vehicle as provided in 61-3-562. The registration remains in effect until ownership of the vehicle is transferred to another person by the registered owner.

(3) The department shall adopt rules for the implementation and administration of 61-3-313 through 61-3-316 and for the identification of the registration on the vehicles.

(4) The department shall provide for simultaneous registration of multiple vehicles that have common ownership. The rules must provide for a change of the registration period to coincide with the date an owner desires to register the vehicles."

**Renumber:** subsequent sections

68. Page 19, line 14.

**Following:** "purchase."

**Insert:** "(1)"

69. Page 19, line 18.

**Following:** "year."

**Insert:** "(2) The new owner of a vehicle described in 61-3-303(6) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.

(3)"

70. Page 19, line 24.

**Following:** "vehicle."

**Insert:** "(4)"

71. Page 19, line 25.

**Following:** "section."

**Insert:** "(5)"

72. Page 20, line 2.

**Following:** "registration or"

**Insert:** ", if applicable,"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

73. Page 20, line 4.

**Following:** "\$13.75"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$19"

74. Page 20, line 5.

**Strike:** ";

**Insert:** ". For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer."

75. Page 20, line 9.

**Following:** "\$9"

**Strike:** ";

**Insert:** "in calendar year 2004 and, in each subsequent year, \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle."

76. Page 20, line 11.

**Following:** "\$18.75"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$24"

77. Page 20, line 14.

**Strike:** ";

**Insert:** "in calendar year 2004 and, in each subsequent year, \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle."

78. Page 20, line 15.

**Strike:** ";

**Insert:** ". For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer."

79. Page 20, line 17.

**Strike:** ";

**Insert:** ". For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer."

80. Page 20, line 18.

**Strike:** "; and"

**Insert:** ". This fee is a one-time fee, except upon transfer of ownership of a travel trailer."

81. Page 20, line 19.

**Following:** "\$3.50"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer"

82. Page 20, line 20.

**Following:** "(2)"

**Insert:** "(a)"

**Strike:** "If"

**Insert:** "Except as provided in subsection (2)(b), if"



SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

83. Page 20.

**Following:** line 21

**Insert:** "(b) For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all."

84. Page 20, line 22.

**Following:** "\$5"

**Insert:** "in calendar year 2004 and, in each subsequent year, \$16"

85. Page 21, line 1.

**Following:** "in the"

**Insert:** "state"

86. Page 21, line 4 through line 5.

**Following:** "(b)" on line 4

**Insert:** "(i)"

**Strike:** "The" on line 4 through "trailers" on line 5

**Insert:** "Trailers"

87. Page 21, line 6.

**Strike:** "; and"

**Insert:** "are not subject to the fee imposed in subsection (6)(a)."

88. Page 21, line 7.

**Strike:** "travel"

**Insert:** "Travel"

**Following:** "23-2-817"

**Insert:** "are subject to the fee imposed in subsection (6)(a), and as applied to these vehicles, the fee is a one-time fee for as long as the vehicle remains in the same ownership"

89. Page 22, line 5.

**Following:** "subsections"

**Insert:** "(3)(b),"

**Following:** "(4)(c)"

**Insert:** ", "

90. Page 22, line 10.

**Strike:** "motorcycles, quadricycles, and"

91. Page 22, line 11.

**Following:** "61-3-562"

**Insert:** "and vehicles described in 61-3-303(6) that are permanently registered"

92. Page 22, lines 23 and 24.

**Strike:** "motorcycle, quadricycle, or" on line 23

**Following:** "vehicle" on line 23

**Insert:** "described in subsection (3)(b)"

**Strike:** ", as" on line 23 through "61-3-562," on line 24

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

93. Page 28, line 30.

**Following:** "subsections"

**Insert:** "(3)(b),"

**Following:** "(4)(c)"

**Insert:** ", "

94. Page 29, line 5.

**Strike:** "motorcycles, quadricycles, and"

95. Page 29, line 6.

**Following:** "61-3-562"

**Insert:** "and vehicles described in 61-3-303(6)"

96. Page 29, lines 18 and 19.

**Strike:** "motorcycle, quadricycle, or" on line 18

**Following:** "vehicle" on line 18

**Insert:** "described in subsection (3)(b)"

**Strike:** ", as" on line 18 through "61-3-562," on line 19

97. Page 36, line 25 through page 38, line 8.

**Strike:** sections 28 through 30 in their entirety

**Insert:** "**Section 39.** Section 61-3-521, MCA, is amended to read:

**"61-3-521. Fee in lieu of tax for certain vehicles.** (1) There is a fee in lieu of property tax imposed on motor homes; and travel trailers; ~~and campers~~ and on trailers, pole trailers, and semitrailers with a declared weight of less than 26,000 pounds. The fee is in addition to annual or one-time registration fees, as applicable.

(2) The fee imposed by subsection (1) need not be paid by a dealer for vehicles that constitute inventory of the dealership. ""

**Insert:** "**Section 40.** Section 61-3-523, MCA, is amended to read:

**"61-3-523. Schedule of fees One-time fee for travel trailers and campers.** (1) ~~The~~ Except as provided in subsection (2), the fee imposed by 61-3-521 on a travel trailer ~~that is less than 3 years old is \$60. In all other cases the fee is \$22.50~~ is a one-time fee and is:

(a) for a travel trailer under 16 feet in length, \$25 in calendar year 2004 and, in each subsequent year, \$50; and

(b) for a travel trailer 16 feet in length or longer, \$65 in calendar year 2004 and, in each subsequent year, \$130.

~~(2) The fee imposed by 61-3-521 on a camper that is less than 3 years old is \$52.50. In all other cases the fee is \$22.50.~~

~~————— (3) (a) Except as provided in subsection (3)(b), the age of a travel trailer or camper is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~————— (b) If the purchase year of a travel trailer or camper precedes the designated model year of the travel trailer or camper and the travel trailer or camper is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) Except as provided in subsection (3), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (1) must be paid by the new owner.

(3) The fee need not be paid by a dealer for travel trailers that constitute inventory of the dealership. ""

**Renumber:** subsequent sections

98. Page 38, line 12.

**Strike:** "and travel trailers"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

99. Page 38, line 14.

**Strike:** "or travel trailer"

100. Page 38, line 16.

**Strike:** "or travel trailer"

101. Page 38, line 18 through line 19.

**Strike:** "or" on line 18 through "trailer" on line 19

**Strike:** "vehicle" on line 19

**Insert:** "motor home or travel trailer"

102. Page 38, line 21.

**Insert:** "(3) A travel trailer that is initially registered under this chapter remains registered unless ownership of the travel trailer is transferred. If ownership is transferred, the new owner shall register the travel trailer as if the travel trailer were being registered for the first time."

103. Page 38, line 21.

**Insert:** "**Section 42.** Section 61-3-527, MCA, is amended to read:

**"61-3-527. Fee One-time fee in lieu of tax for motorcycles and quadricycles -- ~~schedule of fees -- permanent registration.~~** (1) (a) There is a one-time fee in lieu of property tax of \$20 in calendar year 2004 and, in each subsequent year, \$40 imposed on motorcycles and quadricycles. The fee is in addition to ~~annual~~ registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

(2) ~~The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:~~

(a) ~~The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

(i) ~~less than 5 years old, \$30;~~

(ii) ~~5 years old and less than 11 years old, \$15; and~~

(iii) ~~11 years old and older, \$6.~~

(b) ~~The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

(i) ~~less than 5 years old, \$55;~~

(ii) ~~5 years old and less than 11 years old, \$20; and~~

(iii) ~~11 years old and older, \$6.~~

(c) ~~The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

(i) ~~less than 5 years old, \$90;~~

(ii) ~~5 years old and less than 11 years old, \$50; and~~

(iii) ~~11 years old and older, \$6.~~

(3) (a) ~~Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

(b) ~~If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(4) (a) ~~The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:~~

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

- \_\_\_\_\_ (i) the motorcycle safety fee under 61-3-321 to be deposited in the account provided for in 20-25-1002;
- \_\_\_\_\_ (ii) weed control under 15-1-122(3)(b);
- \_\_\_\_\_ (iii) \$1 for the former county motor vehicle computer fee; and
- \_\_\_\_\_ (iv) if applicable, renewal fees for personalized plates under 61-3-406.

\_\_\_\_\_ (b)(2) A person who permanently registers a motorcycle or quadricycle as provided in this subsection (4) section shall pay an additional \$2 one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 \$1.25 fee collected under this subsection (4)(b) from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (Subsection (4)(b) (2) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

**Insert: "Section 43.** Section 61-3-530, MCA, is amended to read:

**"61-3-530. Schedule of fees Fee for trailers -- exception.** (1) Except as provided in subsection (4) subsections (2) and (3), the owner of a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds shall pay the fee imposed pursuant to 61-3-521. The fee is based on the age and declared weight of the trailer or semitrailer according to the following schedule:

Age (in years)	Declared Weight (in pounds)		
	0-6,000	6,001-16,000	16,001-25,999
Less than 5 years old	\$16	\$55	\$74
5 years old and less than 10 years old	11	32	41
10 years old and older	6	17	23

\_\_\_\_\_ (2) (a) Except as provided in subsection (2)(b), the age of a trailer, pole trailer, or semitrailer is determined by subtracting the manufacturer's designated model year from the current calendar year. For trailers, pole trailers, and semitrailers that do not have a designated model year, the department shall determine a year of manufacture:

\_\_\_\_\_ (b) If the purchase year of a trailer, pole trailer, or semitrailer precedes the designated model year of the trailer, pole trailer, or semitrailer and the trailer, pole trailer, or semitrailer is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.

\_\_\_\_\_ (3) The declared weight is the total unladen weight of the trailer, pole trailer, or semitrailer plus the maximum load declared by the owner to be carried on the trailer, pole trailer, or semitrailer a one-time fee and is:

(a) for a trailer, pole trailer, or semitrailer with a declared weight under 6,000 pounds, \$25 in calendar year 2004 and, in each subsequent year, \$50; and

(b) for a trailer, pole trailer, or semitrailer with a declared weight of 6,000 pounds or more, \$65 in calendar year 2004 and, in each subsequent year, \$130.

(4)(2) This section does not apply to a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds and that:

(a) is registered through a proportional registration agreement under 61-3-721; or

(b) constitutes inventory of a trailer, pole trailer, or semitrailer dealership.

(3) Whenever a transfer of ownership of a trailer, pole trailer, or semitrailer described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner."

**Renumber:** subsequent sections

104. Page 39, line 3.

**Insert: "Section 45.** Section 61-3-560, MCA, is amended to read:

**"61-3-560. Light vehicle registration fee -- exemptions -- 24-month registration.** (1) Except as provided in subsections (2) and (3), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(2) The following vehicles are exempt from the fee imposed in subsection (1):

(a) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

(b) a light vehicle owned by a 100% disabled veteran or by a 50% or more disabled veteran who has been awarded the purple heart qualifying for one set of special license plates under 61-3-332(10)(c) or 61-3-426;

(c) a light vehicle owned by an ex-prisoner of war qualifying for one set of special plates under 61-3-332(10)(d) or a surviving spouse of an ex-prisoner of war under 61-3-457; and

(d) a light vehicle registered under 61-3-456.

(3) A dealer for light vehicles is not required to pay the registration fee for light vehicles that constitute inventory of the dealership and that are reported under 61-3-501.

(4) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period. However, the registration fees required under 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire ~~24-month~~ registration period."

"Section 46. Section 61-3-561, MCA, is amended to read:

**"61-3-561. Schedule of fees for light vehicles -- ~~limitation on fee~~ -- payment of fee required for operation.** (1) The following schedule, based on vehicle age, is used to determine the annual registration fee imposed by 61-3-560:

Vehicle Age (in years)	Annual Fee
4 or less	<del>\$195</del> \$200
5-10	<del>65</del> 70
<del>11 or more</del>	<del>6</del>

(2) A light vehicle subject to the registration fee imposed by 61-3-560 may not be operated unless the fee has been paid and the vehicle is licensed. A lien for fees due on the vehicle occurs on the anniversary date of the registration and continues until the fees have been paid.

(3) For the purposes of this section, "vehicle age" means the age of the vehicle determined by subtracting the manufacturer's model year of the vehicle from the calendar year for which the registration fee is due."

**Insert: "Section 47.** Section 61-3-562, MCA, is amended to read:

**"61-3-562. Permanent registration -- transfer of vehicle ownership -- rules.** (1) (a) The owner of a light vehicle 11 years old or older, other than a vehicle with collegiate plates issued under 61-3-465 or generic specialty license plates issued under 61-3-479, subject to the registration fee, as provided in ~~61-3-561~~ 61-3-315(2)(b), may shall permanently register the vehicle. For the calendar year commencing January 1, 2004, the registration fee is \$25, and for all succeeding years, the fee is \$55. upon payment of a \$50 registration fee; The owner of the vehicle shall also pay the applicable registration and license fees under 61-3-321; and an amount equal to five times the applicable fees imposed for each of the following:

(i) a \$4 junk vehicle disposal fees fee to be allocated under 15-1-122(3)(a);

(ii) a \$6 weed control fees fee to be allocated under 15-1-122(3)(b);

~~(iii) the former county motor vehicle computer fees under 61-3-511;~~

~~(iv)~~(iii) the local option vehicle tax or flat fee on vehicles under 61-3-537 for the current calendar year;

~~(v)~~(iv) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406 for the current year;

~~(vi)~~(v) if applicable, the amateur radio operator license plate fee under 61-3-422 for the current year;

~~(vii) if applicable, the annual scholarship donation fee under 61-3-465; and~~

~~(viii)~~(vi) a \$1 senior citizens and persons with disabilities transportation services fees fee and beginning in calendar year 2005, a \$1.25 fee to be deposited as provided in 61-3-321(6).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional ~~\$2~~ \$1.25 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the ~~\$2~~ \$1.25 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(c) The fees associated with the following series of license plates must be paid only once, in the year of registration or reregistration, to be used for purposes of permanent registration of a vehicle:

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

- (i) Montana national guard license plates issued under 61-3-332(10)(a)(i);
- (ii) reserve armed forces license plates issued under 61-3-332(10)(b);
- (iii) license plates bearing a wheelchair design as a symbol of a person with a disability issued under 61-3-332(10)(g); and
- (iv) amateur radio operator license plates issued under 61-3-422.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay ~~five~~ three times the applicable fees imposed under 61-10-201 for the current year.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the ~~\$50~~ applicable permanent registration fee collected under ~~this section~~ subsection (1)(a) as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, other than the local option vehicle tax or flat fee, for the purposes of 61-3-321(3) and 61-10-201. The county treasurer shall retain the local option vehicle tax or flat fee.

(5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency--sec. 24, Ch. 191, L. 2001.)"

**Insert: "Section 48.** Section 61-3-570, MCA, is amended to read:

**"61-3-570. Local option flat fee.** (1) A local option flat fee for each light vehicle may be imposed within a county by the board of county commissioners by adoption of a resolution and referral to the electorate. The imposition of the fee must be approved by the majority of the electorate voting in the election.

(2) The flat fee is;

(a) applicable annually for light vehicles that are registered annually; and

(b) a one-time fee for light vehicles registered under 61-3-562.

(3) Fees collected under this section must be distributed as provided in 61-3-537."

**Insert: "NEW SECTION. Section 49. Repealer.** Sections 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, and 61-3-606, MCA, are repealed."

**"NEW SECTION. Section 50. Coordination instruction.** (1) If Senate Bill No. 118 and [this act] are both passed and approved and both amend 61-3-562, then [section 16] of Senate Bill No. 118, amending 61-3-562, is void.

(2) If Senate Bill No. 287 and [this act] are both passed and approved and both amend 15-1-122 or 23-2-512, then:

(a) the sections in Senate Bill No. 287 that amend 15-1-122 and 23-2-512 are void;

(b) in 15-1-122(3)(c)(i), the \$2.50 fee for 2004 must be changed to \$5.50 and the fee for subsequent years must be changed to \$17.50; and

(c) in 23-2-512(1) the \$3.50 fee for 2004 must be changed to \$6.50 and the fee for subsequent years must be changed to \$18.50.

(3) If House Bill No. 414 and [this act] are both passed and approved, then House Bill No. 414 is void.

(4) If House Bill No. 558 and [this act] are passed and approved, and both amend 23-2-614, then the amendment of 23-2-614 in House Bill No. 558 is void.

(5) (a) If House Bill No. 538 and [this act] are both passed and approved and both amend 61-3-303, then 61-3-303 as amended in House Bill No. 538 is void and 61-3-303 must read as follows:

**Insert: "Section 28.** Section 61-3-303, MCA, is amended to read:

**"61-3-303. Application for registration Registration -- process -- fees.** (1) ~~Each owner of A Montana~~

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

resident who owns a motor vehicle operated or driven upon the public highways of this state shall ~~for each~~ register the motor vehicle ~~owned, except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:~~

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

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

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

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

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

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

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(i) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot present the previously issued certificate of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.

~~(2)(5) A person who files an application for registration or reregistration of~~ seeks to register a motor vehicle, ~~except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the application~~ pay to the county treasurer:

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

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

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

~~(3)(6) The application may not be accepted by the county treasurer~~ may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection ~~(2) (5)~~ accompany the

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

- (a) the current year; and
- (b) except as provided in subsection (9), the immediately previous preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

~~(4)~~(7) The department may make full and complete investigation of the registration status of the vehicle. ~~An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department, if requested.~~

~~(5)~~(8) Revenue that accrues from the voluntary donation provided in subsection ~~(2)~~(c) ~~(5)~~(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees."

(b) If House Bill No. 538 and [this act] are both passed and approved and both amend 61-3-311, then 61-3-311 as amended in House Bill No. 538 is void and 61-3-311 must read as follows:

**"Insert: "Section 29.** Section 61-3-311, MCA, is amended to read:

**"61-3-311. Time for making application Registration -- annual renewal -- time periods.** (1) Registration must be renewed annually, and ~~license~~ registration fees must be paid annually. Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-721, all registrations expire on December 31 of the year in which they are issued and ~~application for registration or reregistration must be filed with~~ must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year. If the ownership of a motor vehicle is transferred during the registration year, the new owner shall apply for a certificate of title and register the motor vehicle must be reregistered and relicensed as provided by statute this chapter.

(2) The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3), unless:

(a) the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or

(b) the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208."

(6) (a) If Senate Bill No. 112 and [this act] are both passed and approved and both amend 15-1-122, then subsection (3)(g) of 15-1-122 must read as follows:

"(g) to the search and rescue account provided for in [section 1 of Senate Bill No. 112]:

(i) \$2 a year for each vessel subject to the search and rescue surcharge in 23-2-517;

(ii) \$2 a year for each snowmobile subject to the search and rescue surcharge in 23-2-615(1)(b) and 23-2-616(3);

and

(iii) \$2 a year for each off-highway vehicle subject to the search and rescue surcharge in 23-2-803; and"

(b) If Senate Bill No. 112 and [this act] are both passed and approved and both amend 23-2-517, 23-2-616, or 23-2-803, the amendments to 23-2-517, 23-2-616, or 23-2-803 in Senate Bill No. 112 are void."

**Renumber:** subsequent sections



SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

And, as amended, be concurred in. Report adopted.

**HB 748**, be amended as follows:

1. Page 5, line 21.

**Following:** "county"

**Insert:** ", including districts within the county established by the county"

And, as amended, be concurred in. Report adopted.

**HJR 2**, be amended as follows:

1. Page 2, line 19.

**Strike:** "\$1,207,542,000"

**Insert:** "\$1,195,014,000"

2. Page 3, line 6.

**Strike:** "The"

**Insert:** "Except for fiscal year 2003, the"

3. Page 3, line 15.

**Strike:** "\$527.400"

**Insert:** "\$520.764"

4. Page 3, line 16.

**Strike:** "173.277"

**Insert:** "172.309"

5. Page 3, line 19.

**Strike:** "73.510"

**Insert:** "74.773"

6. Page 3, line 20.

**Strike:** "53.814"

**Insert:** "47.347"

7. Page 4, line 2.

**Strike:** "44.417"

**Insert:** "45.219"

8. Page 4, line 11.

**Strike:** "10.153"

**Insert:** "11.015"

9. Page 4, line 12.

**Strike:** "16.043"

**Insert:** "18.403"

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

10. Page 4, line 13.

**Strike:** "11.200"

**Insert:** "7.456"

11. Page 5, line 12.

**Strike:** "\$1,207.542"

**Insert:** "\$1,195.014"

And, as amended, be concurred in. Report adopted.

**MOTIONS**

**FREE CONFERENCE COMMITTEES**

**SB 126** - Senator Thomas moved the President be authorized to appoint a **Free** Conference Committee, and request the House to appoint a like committee, to confer on **SB 126**. Motion carried. The President appointed the following members:

Senator Story, Chair  
Senator Black  
Senator Toole

**HB 201** - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on **HB 201**. Motion carried. The President appointed the following members:

Senator Sprague, Chair  
Senator Gebhardt  
Senator Wheat

**HB 298** - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Free** Conference Committee to meet with a like committee from the House to confer on **HB 298**. Motion carried. The President appointed the following members:

Senator Gebhardt, Chair  
Senator McGee  
Senator Wheat

**CONFERENCE COMMITTEES**

**HB 107** - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 107**. Motion carried. The President appointed the following members:

Senator Glaser, Chair  
Senator Black  
Senator Elliott

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**HB 277** - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 277**. Motion carried. The President appointed the following members:

Senator Sprague, Chair  
Senator Gebhardt  
Senator McCarthy

**HB 642** - Senator Thomas moved the Senate accede to the request of the House and that the President be authorized to appoint a **Conference** Committee to meet with a like committee from the House to confer on Senate Amendments to **HB 642**. Motion carried. The President appointed the following members:

Senator Story, Chair  
Senator Glaser  
Senator Toole

**SPECIAL ORDERS OF THE DAY**

**SR 4** - Senator Cobb moved **SR 4**, concurring in, confirming, and consenting to the nomination and appointment made by the Governor, and submitted to the Senate, of John Mercer as a member of the Board of Regents, be adopted, and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Cocchiarella, Cromley, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Hansen, Johnson, Laible, Mahlum, Mangan, McCarthy, McGee, McNutt, O'Neil, Perry, Roush, Shea, Sprague, Squires, Stapleton, Stonington, Story, Tash, Taylor, Tester, Thomas, Tropila, Wheat, Zook, Mr. President.  
Total 40

Nays: Cooney, Ellingson, Harrington, Kitzenberg, Nelson, Pease, Ryan, Schmidt, Toole.  
Total 9

Absent or not voting: None.  
Total 0

Excused: Elliott.  
Total 1

**SR 5** - Senator Cobb moved **SR 5**, concurring in, confirming, and consenting to the nomination and appointment made by the Governor, and submitted to the Senate, of Christian Hur as a member of the Board of Regents, be adopted, and that the yeas and nays be spread upon the journal. Motion carried as follows:

Yeas: Anderson, Bales, Barkus, Black, Bohlinger, Butcher, Cobb, Curtiss, DePratu, Esp, Gebhardt, Glaser, Grimes, Johnson, Laible, Mahlum, McGee, McNutt, O'Neil, Perry, Sprague, Stapleton, Story, Tash, Taylor, Thomas, Zook, Mr. President.  
Total 28

Nays: Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Hansen, Harrington, Kitzenberg, Mangan, McCarthy, Nelson, Pease, Roush, Ryan, Schmidt, Shea, Squires, Stonington, Tester, Toole, Tropila, Wheat.  
Total 22

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

Paired: Esp, McGee, McNutt, Ayes; Elliott, Mangan, Wheat, Noes.

Absent or not voting: None.  
Total 0

Excused: None.  
Total 0

**REPORTS OF SELECT COMMITTEES**

**FREE CONFERENCE COMMITTEE**  
on **House Bill 211**  
Report No. 1, April 10, 2003

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered **House Bill 211** (reference copy -- salmon) and recommend this Free Conference Committee report be adopted.

And, recommend that **House Bill 211** (reference copy -- salmon) be amended as follows:

1. Title, line 13.

**Following:** "HEARINGS;"

**Insert:** "REQUIRING AN INTERIM REPORT ON DISPOSITION OF NATIVE AMERICAN PAROLE APPLICATIONS;"

2. Page 8, line 17.

**Following:** line 16

**Insert:** "NEW SECTION. Section 16. Interim report. During the biennium beginning July 1, 2003, the board of pardons and parole shall report to the law and justice interim committee of the legislature on the disposition of parole applications made by Native Americans, including the reasons for approval or denial of parole, during the period of January 1, 1999, through March 31, 2004. The report must be made before July 1, 2004, and must be included in the board's biennial report."

**Renumber:** subsequent section

For the House:

Laszloffy, Chairman  
Everett  
Juneau (unsigned)

For the Senate:

McGee, Chairman  
Curtiss  
Pease

**MESSAGES FROM THE OTHER HOUSE**

**Governor's amendments** to House bill **not** concurred in and transmitted to the Senate for consideration of the Governor's amendments:

4/10/2003

**HB 87**, introduced by Jent

SENATE JOURNAL  
SEVENTY-SEVENTH LEGISLATIVE DAY - APRIL 10, 2003

**MOTIONS**

**SB 47** - Senator Curtiss moved she be allowed to change her vote on **SB 47**, third reading this day, from nay to aye. Motion carried.

**ANNOUNCEMENTS**

Committee meetings were announced by committee chairs.

Majority Leader Thomas moved that the Senate adjourn until 1:00 p.m., Friday, April 11, 2003. Motion carried.

Senate adjourned at 3:51 p.m.

ROSANA SKELTON  
Secretary of the Senate

BOB KEENAN  
President of the Senate