

HOUSE BILL NO. 650

INTRODUCED BY R. BRODEHL, K. DUDIK, R. LYNCH, R. OSMUNDSON, J. PATELIS, C. WOLKEN

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING TRANSFERS AND FEES AND OTHER NECESSARY MEASURES TO IMPLEMENT THE GENERAL APPROPRIATIONS ACT RELATING TO MOTOR VEHICLES AND CORRECTIONS; CREATING AND INCREASING FEE PAYMENTS RELATED TO THE MOTOR VEHICLE DIVISION; CREATING STATE SPECIAL REVENUE ACCOUNTS AND ALLOCATING PAYMENTS OF FEES TO THE ACCOUNTS; REPEALING THE BOOT CAMP INCARCERATION PROGRAM; SETTING A MAXIMUM PAYMENT TO REGIONAL CORRECTIONS FACILITIES FOR THE BIENNIUM BEGINNING JULY 1, 2017; INCREASING FEE PAYMENTS FOR ISSUANCE OF TEMPORARY REGISTRATION PERMITS; EXPANDING THE USE OF THE VEHICLE INSURANCE VERIFICATION AND LICENSE PLATE OPERATING ACCOUNT; PROVIDING FOR STATUTORY APPROPRIATIONS; REQUIRING THE JUDICIAL BRANCH AND THE OFFICE OF STATE PUBLIC DEFENDER TO DEVELOP PROTOCOLS FOR THE APPOINTMENT OF COUNSEL IN TREATMENT COURTS; TRANSFERRING THE BOARD OF CRIME CONTROL AND ITS FUNCTIONS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF CORRECTIONS; REDUCING THE SIZE OF THE BOARD AND ELIMINATING THE EXECUTIVE DIRECTOR POSITION OF THE BOARD OF CRIME CONTROL; AMENDING SECTIONS 2-15-2006, 47-7-502, 3-1-318, 15-70-403, 44-1-501, 44-4-313, 46-18-201, 53-1-202, 53-30-134, 53-30-507, 60-3-201, 61-3-118, 61-3-224, 61-3-321, AND 61-6-158, MCA; REPEALING SECTIONS 53-30-401, 53-30-402, AND 53-30-403, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Transfers. By August 15, 2017, the state treasurer shall make the following transfers:

(1) ~~\$1,500,000~~ \$2,970,000 from the consumer protection state special revenue account administered by the department of justice to the general fund;

(2) ~~\$8,100,000~~ \$6,630,000 from the consumer protection state special revenue account administered by the department of justice to the long-range building program account for construction at the Montana Law Enforcement Academy; and

1 (3) \$300,000 from the parental contributions account established in 41-5-112 to the general fund.

2

3 **NEW SECTION. Section 2. Medical examiner state special revenue account.** (1) There is an
4 account in the state special revenue fund established by 17-2-102 to be known as the medical examiner account.

5 (2) Fees for services rendered pursuant to 46-4-103 must be deposited in the account.

6 (3) Funds in the account may only be used for the operation and administration of state forensic
7 laboratories.

8

9 **NEW SECTION. Section 3. Motor vehicle division administrative fees.** The motor vehicle division
10 of the department shall charge, impose, and collect a ~~7.5%~~ 9.6% administrative fee on all fees charged under
11 23-2-809, 23-2-617, and this title as follows:

12 (1) a ~~5.5%~~ 3% administrative fee to be deposited into the motor vehicle division administration account
13 established in [section 4]; and

14 ~~(2) a 2% administrative fee to be deposited into the highway patrol administration account established~~
15 ~~in [section 5].~~

16 (2) A 6.6% ADMINISTRATIVE FEE TO BE DEPOSITED IN THE TRANSPORTATION DEPARTMENT'S ACCOUNT IN THE
17 STATE SPECIAL REVENUE FUND.

18

19 **NEW SECTION. Section 4. Motor vehicle division state special revenue account.** (1) There is an
20 account in the state special revenue fund established by 17-2-102 to be known as the motor vehicle division
21 administration account.

22 (2) Administrative fees collected on behalf of the motor vehicle division pursuant to [section 3(1)] must
23 be deposited in the account.

24 ~~(3) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department for the~~
25 ~~operations and administration of the motor vehicle division.~~

26 (3) FEES COLLECTED PURSUANT TO 61-3-321(2) AND (7) ARE DEPOSITED IN THIS ACCOUNT.

27

28 **NEW SECTION. Section 5. Highway patrol administration state special revenue account.** (1) There
29 is an account in the state special revenue fund established by 17-2-102 to be known as the highway patrol
30 administration account.

1 (2) Administrative fees collected on behalf of the Montana highway patrol pursuant to [section 3(2)] must
2 be deposited in the account.

3 ~~(3) Funds in the account are statutorily appropriated, as provided in 17-7-502, to the department of
4 justice for the operations and administration of the Montana highway patrol.~~

5 (2) FUNDS DIRECTED TO THE ACCOUNT BY 15-70-403(8) AND 60-3-201(1)(E) MUST BE DEPOSITED IN THE
6 ACCOUNT.

7
8 ~~Section 6.~~ Section 17-7-502, MCA, is amended to read:

9 ~~"17-7-502. Statutory appropriations -- definition -- requisites for validity.~~ (1) A statutory
10 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
11 need for a biennial legislative appropriation or budget amendment.

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

14 ~~(a) The law containing the statutory authority must be listed in subsection (3):~~

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

17 ~~(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
18 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
19 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;
20 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;
21 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
22 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;
23 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301;
24 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; [section 5]; 44-4-1101;
25 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; [section
26 4]; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362;
27 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102];
28 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.~~

29 ~~(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 2 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
 3 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 4 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 5 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 6 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
 7 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 8 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 9 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion
 10 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004
 11 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,
 12 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;
 13 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;
 14 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.
 15 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.
 16 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,
 17 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of
 18 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of
 19 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
 20 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates
 21 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December
 22 31, 2023.)"

23
 24 NEW SECTION. SECTION 6. COURT-APPOINTED SPECIAL ADVOCATE ACCOUNT. (1) THERE IS A
 25 COURT-APPOINTED SPECIAL ADVOCATE ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THERE MUST BE PAID INTO THIS
 26 ACCOUNT THE FEES COLLECTED PURSUANT TO 3-1-318. THE MONEY IN THE ACCOUNT MUST BE USED SOLELY FOR THE
 27 PURPOSE OF PROVIDING FUNDING FOR COURT-APPOINTED SPECIAL ADVOCATES.

28 (2) THE SUPREME COURT ADMINISTRATOR SHALL ESTABLISH PROCEDURES FOR THE DISTRIBUTION AND
 29 ACCOUNTABILITY OF MONEY IN THE ACCOUNT. THE SUPREME COURT ADMINISTRATOR MAY DESIGNATE NONPROFIT
 30 ORGANIZATIONS THAT ORDINARILY PROVIDE SPECIAL ADVOCATE SERVICES TO RECEIVE OR ADMINISTER THE DISTRIBUTION

1 OF THE FUND.

2

3 **SECTION 7. SECTION 2-15-2006, MCA, IS AMENDED TO READ:**

4 **"2-15-2006. Board of crime control -- composition -- allocation.** (1) There is a board of crime control.

5 (2) The board is allocated to the department of corrections for administrative purposes only as prescribed
6 in 2-15-121, except that the provisions of 2-15-121(2)(a) and (2)(c) do not apply. ~~However, the board may hire~~
7 ~~its own personnel, and 2-15-121(2)(d) does not apply.~~ The board may:

8 (a) direct and supervise the budgeting, recordkeeping, reporting, and related administrative and clerical
9 functions of the board; and

10 (b) collect all revenue for the board and deposit it in the proper fund or account. The board may not use
11 or divert the revenue from the fund or account for purposes other than provided by law.

12 (3) The board is composed of ~~18~~ 15 members appointed by the governor in accordance with 2-15-124
13 and any special requirements of Title I of the Omnibus Crime Control and Safe Streets Act, as amended. The
14 board shall be representative of state and local law enforcement and criminal justice agencies, including agencies
15 directly related to the prevention and control of juvenile delinquency, units of general local government, and public
16 agencies maintaining programs to reduce and control crime and shall include representatives of citizens and
17 professional and community organizations, including organizations directly related to delinquency prevention."
18

19 **SECTION 8. SECTION 3-1-318, MCA, IS AMENDED TO READ:**

20 **"3-1-318. Surcharges upon certain criminal convictions -- exception.** (1) Except as provided in
21 subsection (2), all courts of limited jurisdiction, except small claims courts, shall impose a \$10 surcharge on a
22 defendant who is convicted of criminal conduct under state statute or who forfeits bond.

23 (2) A court may not waive payment of the surcharge unless the court determines that the defendant is
24 unable to pay the surcharge. Inability to pay must be supported by a sworn statement from the defendant
25 demonstrating financial inability to pay without substantial hardship in providing for personal or family necessities.
26 The statement is not admissible in the proceeding unless offered for impeachment purposes and is not admissible
27 in a subsequent prosecution for perjury or false swearing.

28 (3) The surcharge imposed by this section is not a fee or a fine and must be imposed in addition to other
29 taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

30 (4) The amounts collected under this section must be ~~forwarded to the department of revenue for deposit~~

1 ~~in the account created in 44-10-204~~ deposited in the court-appointed special advocate account established in
2 [section 6]."

3

4 **SECTION 9. SECTION 15-70-403, MCA, IS AMENDED TO READ:**

5 **"15-70-403. Gasoline and special fuel tax -- incidence -- rates.** (1) The incidence of the fuel tax is on
6 the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to
7 the department of transportation a tax in an amount equal to:

8 (a) 27 cents for each gallon of gasoline distributed by the distributor within the state and upon which the
9 gasoline tax has not been paid by any other distributor;

10 (b) 27 3/4 cents for each gallon of special fuel distributed by the distributor within the state and on which
11 the special fuel tax has not been paid by any other distributor; and

12 (c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center,
13 which is allocated to the department as provided by 67-1-301.

14 (2) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for
15 export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

16 (3) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a
17 refinery or terminal for off-highway use.

18 (4) When no Montana fuel tax has been paid by a distributor or any other person, the department shall
19 collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and
20 highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection
21 (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined
22 in this part, or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American
23 petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public
24 roads and highways of this state.

25 (5) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that
26 is equipped with a feed delivery box if:

27 (a) the feed delivery box is permanently affixed to the vehicle;

28 (b) the vehicle is used exclusively for the feeding of livestock; and

29 (c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

30 (6) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I.

1 (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal
 2 combustion of any engines, including stationary engines, and used in connection with any work performed under
 3 any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its
 4 appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political
 5 subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

6 (7) Material used for construction, reconstruction, or improvement in connection with work performed
 7 under a contract as provided in subsection (6) must be produced using fuel on which Montana fuel tax has been
 8 paid.

9 (8) Of the special fuel tax collected pursuant to subsection (1)(b), 4 cents must be deposited to the
 10 highway patrol administration state special revenue account established in [section 5] and the remainder must
 11 be deposited to the credit of the department of transportation for the purposes defined in 60-3-201(1)(f)."

12

13 **SECTION 10. SECTION 44-1-501, MCA, IS AMENDED TO READ:**

14 **"44-1-501. Payment of expenses.** ~~All~~ A portion of expenses of the highway patrol ~~shall~~ must be paid
 15 out of the ~~transportation department's account in the state special revenue fund~~ highway patrol administration
 16 account established in [section 5]."

17

18 **SECTION 11. SECTION 44-4-313, MCA, IS AMENDED TO READ:**

19 **"44-4-313. Restriction on use of funds.** Funds deposited in the domestic violence intervention account
 20 may be used only for the program authorized in 44-4-311 and the costs authorized under 44-4-312 and may not
 21 be used to pay the expenses of any other program or service administered in whole or in part by the Montana
 22 board of crime control or the department of ~~justice~~ corrections."

23

24 **Section 12.** Section 46-18-201, MCA, is amended to read:

25 **"46-18-201. Sentences that may be imposed.** (1) (a) Whenever a person has been found guilty of an
 26 offense upon a verdict of guilty or a plea of guilty or nolo contendere, a sentencing judge may defer imposition
 27 of sentence, except as otherwise specifically provided by statute, for a period:

28 (i) not exceeding 1 year for a misdemeanor or for a period not exceeding 3 years for a felony; or

29 (ii) not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony if a
 30 financial obligation is imposed as a condition of sentence for either the misdemeanor or the felony, regardless

1 of whether any other conditions are imposed.

2 (b) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the
3 case of an offender who has been convicted of a felony on a prior occasion, whether or not the sentence was
4 imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

5 (2) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty or
6 nolo contendere, a sentencing judge may suspend execution of sentence, except as otherwise specifically
7 provided by statute, for a period up to the maximum sentence allowed or for a period of 6 months, whichever is
8 greater, for each particular offense.

9 (3) (a) Whenever a person has been found guilty of an offense upon a verdict of guilty or a plea of guilty
10 or nolo contendere, a sentencing judge may impose a sentence that may include:

11 (i) a fine as provided by law for the offense;

12 (ii) payment of costs, as provided in 46-18-232, or payment of costs of assigned counsel as provided in
13 46-8-113;

14 (iii) a term of incarceration, as provided in Title 45 for the offense, at a county detention center or at a
15 state prison to be designated by the department of corrections;

16 (iv) commitment of:

17 (A) an offender not referred to in subsection (3)(a)(iv)(B) to the department of corrections, with a
18 recommendation for placement in an appropriate correctional facility or program; however, all but the first 5 years
19 of the commitment to the department of corrections must be suspended, except as provided in 45-5-503(4),
20 45-5-507(5), 45-5-601(3), 45-5-602(3), 45-5-603(2)(b), and 45-5-625(4); or

21 (B) a youth transferred to district court under 41-5-206 and found guilty in the district court of an offense
22 enumerated in 41-5-206 to the department of corrections for a period determined by the court for placement in
23 an appropriate correctional facility or program;

24 (v) with the approval of the facility or program, placement of the offender in a community corrections
25 facility or program as provided in 53-30-321;

26 (vi) with the approval of the prerelease center or prerelease program and confirmation by the department
27 of corrections that space is available, placement of the offender in a prerelease center or prerelease program for
28 a period not to exceed 1 year;

29 (vii) chemical treatment of sexual offenders, as provided in 45-5-512, if applicable, that is paid for by and
30 for a period of time determined by the department of corrections, but not exceeding the period of state supervision

1 of the person; or

2 (viii) any combination of subsections (2) and (3)(a)(i) through (3)(a)(vii).

3 (b) A court may permit a part or all of a fine to be satisfied by a donation of food to a food bank program.

4 (4) When deferring imposition of sentence or suspending all or a portion of execution of sentence, the
5 sentencing judge may impose upon the offender any reasonable restrictions or conditions during the period of
6 the deferred imposition or suspension of sentence. Reasonable restrictions or conditions imposed under
7 subsection (1)(a) or (2) may include but are not limited to:

8 (a) limited release during employment hours as provided in 46-18-701;

9 (b) incarceration in a detention center not exceeding 180 days;

10 (c) conditions for probation;

11 (d) payment of the costs of confinement;

12 (e) payment of a fine as provided in 46-18-231;

13 (f) payment of costs as provided in 46-18-232 and 46-18-233;

14 (g) payment of costs of assigned counsel as provided in 46-8-113;

15 (h) with the approval of the facility or program, an order that the offender be placed in a community
16 corrections facility or program as provided in 53-30-321;

17 (i) with the approval of the prerelease center or prerelease program and confirmation by the department
18 of corrections that space is available, an order that the offender be placed in a prerelease center or prerelease
19 program for a period not to exceed 1 year;

20 (j) community service;

21 (k) home arrest as provided in Title 46, chapter 18, part 10;

22 (l) payment of expenses for use of a judge pro tempore or special master as provided in 3-5-116;

23 ~~_____ (m) with the approval of the department of corrections and with a signed statement from an offender that
24 the offender's participation in the boot camp incarceration program is voluntary, an order that the offender
25 complete the boot camp incarceration program established pursuant to 53-30-403;~~

26 ~~(n)~~(m) participation in a day reporting program provided for in 53-1-203;

27 ~~(o)~~(n) participation in the 24/7 sobriety and drug monitoring program provided for in Title 44, chapter 4,
28 part 12, for a violation of 61-8-465, a second or subsequent violation of 61-8-401, 61-8-406, or 61-8-411, or a
29 second or subsequent violation of any other statute that imposes a jail penalty of 6 months or more if the abuse
30 of alcohol or dangerous drugs was a contributing factor in the commission of the crime or for a violation of any

1 statute involving domestic abuse or the abuse or neglect of a minor if the abuse of alcohol or dangerous drugs
2 was a contributing factor in the commission of the crime regardless of whether the charge or conviction was for
3 a first, second, or subsequent violation of the statute;

4 ~~(p)~~(o) participation in a restorative justice program approved by court order and payment of a
5 participation fee of up to \$150 for program expenses if the program agrees to accept the offender;

6 ~~(q)~~(p) any other reasonable restrictions or conditions considered necessary for rehabilitation or for the
7 protection of the victim or society; or

8 ~~(r)~~(q) any combination of the restrictions or conditions listed in subsections (4)(a) through ~~(4)(q)~~ (4)(p).

9 (5) In addition to any other penalties imposed, if a person has been found guilty of an offense upon a
10 verdict of guilty or a plea of guilty or nolo contendere and the sentencing judge finds that a victim, as defined in
11 46-18-243, has sustained a pecuniary loss, the sentencing judge shall, as part of the sentence, require payment
12 of full restitution to the victim, as provided in 46-18-241 through 46-18-249, whether or not any part of the
13 sentence is deferred or suspended.

14 (6) In addition to any of the penalties, restrictions, or conditions imposed pursuant to subsections (1)
15 through (5), the sentencing judge may include the suspension of the license or driving privilege of the person to
16 be imposed upon the failure to comply with any penalty, restriction, or condition of the sentence. A suspension
17 of the license or driving privilege of the person must be accomplished as provided in 61-5-214 through 61-5-217.

18 (7) In imposing a sentence on an offender convicted of a sexual or violent offense, as defined in
19 46-23-502, the sentencing judge may not waive the registration requirement provided in Title 46, chapter 23, part
20 5.

21 (8) If a felony sentence includes probation, the department of corrections shall supervise the offender
22 unless the court specifies otherwise.

23 (9) As used in this section, "dangerous drug" has the meaning provided in 50-32-101."
24

25 **Section 13.** Section 53-1-202, MCA, is amended to read:

26 **"53-1-202. Department of corrections.** (1) Adult and youth correctional services are included in the
27 department of corrections to carry out the purposes of the department.

28 (2) Adult corrections services consist of the following correctional facilities or programs:

29 (a) the prisons listed in 53-30-101;

30 (b) appropriate community-based programs for the placement, supervision, and rehabilitation of adult

1 felons who meet the criteria developed by the department for placement:

2 (i) in prerelease centers;

3 (ii) under intensive supervision;

4 (iii) under parole or probation pursuant to Title 46, chapter 23, part 2; or

5 (iv) in other appropriate programs; and

6 ~~(c) the boot camp authorized by 53-30-403; and~~

7 ~~(d)~~(c) the Montana correctional enterprises prison industries training program authorized by 53-30-131.

8 (3) Youth correctional services consist of the following correctional facilities or programs to provide for
9 custody, supervision, training, education, and rehabilitation of delinquent youth and youth in need of intervention
10 pursuant to Title 52, chapter 5:

11 (a) Pine Hills youth correctional facility or other state youth correctional facility; and

12 (b) any other facility or program that provides custody and services for delinquent youth.

13 (4) A state institution or correctional facility may not be moved, discontinued, or abandoned without the
14 consent of the legislature."

15

16 **Section 14.** Section 53-30-134, MCA, is amended to read:

17 **"53-30-134. Montana correctional enterprises license plate production operating account.** (1)

18 There is a license plate production operating account of the ~~internal service enterprise~~ fund type, as provided in
19 17-2-102.

20 (2) All payments received by the Montana correctional enterprises program under a contract related to
21 the manufacture of license plates, products and services provided for pursuant to 53-30-131 through 53-30-133,
22 and ~~or~~ fees paid under 61-3-478 must be deposited in the account.

23 (3) The money in the license plate production operating account must be used by Montana correctional
24 enterprises for the operation and enhancement of its inmate training and license plate manufacturing enterprise."

25

26 **Section 15.** Section 53-30-507, MCA, is amended to read:

27 **"53-30-507. Rulemaking authority.** (1) The department may adopt rules to implement this part,
28 including rules for the determination of how sites are to be chosen for regional correctional facilities. The rules
29 must provide that in selecting a site, the department shall consider the need for a regional correctional facility in
30 the area, the ability and willingness of a local governmental entity or a corporation to enter into a long-term

1 contract with the department, and the availability of rehabilitative services to inmates. The rules must require that
2 a corporation respond to a request for proposals prepared by the department for a regional correctional facility
3 before a contract may be entered with that corporation.

4 (2) The department shall adopt rules that include the minimum applicable standards for the construction,
5 operation, and physical condition of a state correctional facility portion of a regional correctional facility and for
6 the security, safety, health, treatment, and discipline of persons confined in a state correctional facility portion of
7 a regional correctional facility. The rules must require that a privately operated or privately owned and operated
8 state correctional facility portion of a regional correctional facility conform to applicable American correctional
9 association and national commission on correctional health care standards.

10 (3) (a) The department shall adopt rules pursuant to Title 2, chapter 4, that specify a per diem rate that
11 must be paid to a regional correctional facility for the confinement of persons in the state correctional facility
12 portion of the regional correctional facility.

13 (b) The rules adopted pursuant to subsection (3)(a) must include but are not limited to:

14 (i) a definition of per diem rate;

15 (ii) a method of calculating the per diem rate; and

16 (iii) the costs to be included in the per diem rate calculation.

17 (c) At a minimum, the per diem rate must include compensation for:

18 (i) direct costs, including budget expenditures directly attributable to confining inmates;

19 (ii) indirect costs, including budget expenditures that are not directly associated with the confinement of
20 inmates but that are incurred to provide support services for the regional correctional facility;

21 (iii) capital costs, including depreciation or a pro rata portion of capital costs incurred; and

22 (iv) other costs that the department determines are necessary, including medical or transportation costs.

23 (d) The department shall determine by rule the costs that are not allowable as part of a per diem rate.

24 Unallowable costs must include programs and services that do not have a direct benefit to persons confined in
25 the regional correctional facility and depreciation for capital improvements paid for by the department and
26 depreciation for equipment used in providing support services.

27 (e) A population factor must be included in the per diem rate to allow for accurate compensation based
28 on the number of inmates confined in the regional correctional facility.

29 (f) The rules must provide for billing procedures and must allow for review of the per diem rate at least
30 once each fiscal year. When reviewing the per diem rate, the department shall accept public comment that must

1 be considered when the department is determining the accuracy of the per diem rate for the next fiscal year.

2 (4) For the biennium beginning July 1, 2017, the department may pay to a regional correctional facility
 3 no more than the rate it paid to that facility on ~~November 15, 2016~~ DECEMBER 6, 2016."

4

5 **SECTION 16. SECTION 60-3-201, MCA, IS AMENDED TO READ:**

6 **"60-3-201. Distribution and use of proceeds of gasoline tax.** (1) All money received in payment of
 7 the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for
 8 gasoline tax refund, must be used and expended as provided in this section. The portion of that money on hand
 9 at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate
 10 and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the
 11 state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt
 12 service fund established by 17-2-102. After deductions for amounts paid out of the suspense account for gasoline
 13 tax refunds, the remainder is allocated as follows:

14 (a) 9/10 of 1% to the state park account;

15 (b) 15/28 of 1% to a snowmobile account in the state special revenue fund;

16 (c) 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;

17 (d) 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-301; ~~and~~

18 (e) 4 cents to the highway patrol administration state special revenue account established in [section
 19 5]; and

20 ~~(e)~~(f) the remaining amount:

21 (i) for use by the department on the highways in this state selected and designated by the commission;

22 (ii) for collection of the fuel taxes; and

23 (iii) ~~for the enforcement of the Montana highway code~~ other authorized uses under Article VIII, section
 24 6, of the constitution of this state ~~except for the Montana highway patrol, and beginning July 1, 2018, for the~~
 25 department of justice motor vehicle division.

26 (2) The department shall, in expending this money, carry forward construction from year to year, using
 27 the money expended in accordance with this title. Nothing in this title conflicts with Title 23 of the United States
 28 Code and the rules by which it is administered.

29 (3) The department may enter into cooperative agreements with the national park service and the federal
 30 highway administration for the purpose of maintaining national park approach roads in Montana.

1 (4) Money credited to the state park account in the state special revenue fund may be used only for the
2 creation, improvement, and maintenance of state parks where motorboating is allowed. The legislature finds that
3 of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have
4 been made, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

5 (5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities
6 open to the general public at no admission cost, to promote snowmobile safety, for enforcement purposes, and
7 for the control of noxious weeds.

8 (b) Of the amounts deposited in the snowmobile account:

9 (i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote
10 snowmobile safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be
11 used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the
12 enforcement of snowmobile laws.

13 (ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund
14 provided for in 80-7-816.

15 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines,
16 except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered
17 snowmobiles in this state.

18 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to
19 develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged
20 by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the
21 off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money
22 deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway
23 vehicles.

24 (b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines,
25 except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles
26 in this state.

27 (7) Money credited to the aeronautics account of the department of transportation may be used only to
28 develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety.
29 The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except
30 fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state."

1

2 **Section 17.** Section 61-3-118, MCA, is amended to read:

3 **"61-3-118. Motor vehicle electronic commerce operating account.** (1) There is a motor vehicle
4 electronic commerce operating account of the enterprise fund type as provided in 17-2-102.

5 (2) ~~Fees~~ A portion of the fees imposed for issuance of a temporary registration permit under 61-3-224
6 must be deposited in the account.

7 (3) The money in the motor vehicle electronic commerce operating account must be used by the
8 department to pay costs directly incurred in the operation, maintenance, and enhancement of electronic
9 commerce applications, including but not limited to payments to third-party vendors who provide services to
10 support the applications."

11

12 **Section 18.** Section 61-3-224, MCA, is amended to read:

13 **"61-3-224. Temporary registration permit -- authority to adopt rules -- issuance -- placement --**
14 **fees.** (1) The department may adopt rules governing the issuance of temporary registration permits. The rules
15 must specify the purposes for which a temporary registration permit may be issued, including but not limited to
16 issuance to:

17 (a) a Montana resident who acquires a new or used motor vehicle, trailer, semitrailer, pole trailer,
18 motorboat, sailboat that is 12 feet in length or longer, snowmobile, or off-highway vehicle for operation of the
19 vehicle or vessel prior to titling and registration of the vehicle or vessel under this chapter;

20 (b) the owner of a salvage vehicle or a vehicle requiring a state-assigned vehicle identification number
21 in order to move the vehicle to and from a designated inspection site prior to applying for a new certificate of title
22 under 61-3-107 or 61-3-212;

23 (c) the owner of a motor vehicle, trailer, semitrailer, or pole trailer registered in this state for operation
24 of the vehicle while awaiting production and receipt of special or duplicate license plates ordered for the vehicle
25 under this chapter;

26 (d) a nonresident of this state who acquires a motor vehicle, trailer, semitrailer, or pole trailer in this state
27 for operation of the vehicle prior to its titling and registration under the laws of the nonresident's jurisdiction of
28 residence;

29 (e) a dealer licensed in another state who brings a motor vehicle or trailer designed and used to apply
30 fertilizer to agricultural lands into the state for special demonstration in this state;

1 (f) a financial institution located in Montana for a prospective purchaser to demonstrate a motor vehicle
2 that the financial institution has obtained following repossession;

3 (g) an insurer or its agent to move a motor vehicle or trailer to auction following acquisition of the vehicle
4 by the insurer as a result of the settlement of an insurance claim; or

5 (h) a nonresident owner to temporarily operate a quadricycle or motorcycle designed for off-road
6 recreational use on the highways of this state when the quadricycle or motorcycle designed for off-road
7 recreational use is equipped for use on the highways as prescribed in chapter 9 but the quadricycle or motorcycle
8 designed for off-road recreational use is not registered or is only registered for off-road use in the nonresident's
9 home state.

10 (2) (a) The department, an authorized agent, or a county treasurer may issue a temporary registration
11 permit for any purpose authorized under the rules adopted by the department.

12 (b) An authorized agent or a county treasurer may issue a temporary registration permit without use of
13 the department-approved electronic interface only if authorized by the department.

14 (3) A person, using a department-approved electronic interface, may issue a temporary registration
15 permit for any purpose authorized under the rules adopted by the department.

16 (4) A temporary registration permit issued under this section must contain the following information:

17 (a) a temporary plate number as prescribed by the department;

18 (b) the expiration date of the temporary registration permit; and

19 (c) if required by the department, a description of the motor vehicle, trailer, semitrailer, pole trailer,
20 motorboat, personal watercraft, sailboat, or snowmobile, including year, make, model, and vehicle identification
21 number, the name of the person from whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
22 motorboat, personal watercraft, sailboat, or snowmobile was transferred, the name, mailing address, and
23 residence address of the person to whom ownership of the motor vehicle, trailer, semitrailer, pole trailer,
24 motorboat, personal watercraft, sailboat, or snowmobile has been transferred, and the date of issuance.

25 (5) A temporary registration permit for:

26 (a) a motor vehicle, trailer, semitrailer, or pole trailer must be plainly visible and firmly attached to the
27 rear exterior of the vehicle where a license plate is required to be displayed; and

28 (b) a motorboat, a sailboat that is 12 feet in length or longer, a snowmobile, or an off-highway vehicle
29 must be plainly visible and firmly attached to the vehicle or vessel.

30 (6) (a) Except as provided in 61-3-431 and subsection (6)(b) of this section, a ~~\$3~~ \$19.50 fee is imposed

1 upon issuance of a temporary registration permit by the department, an authorized agent, or a county treasurer.
 2 The fee must be paid by the owner of the vehicle or vessel and collected by the department, the authorized agent,
 3 or a county treasurer when the ~~vehicle is registered~~ temporary registration permit is issued.

4 (b) Except as provided in 61-3-431, a fee of ~~\$8~~ \$24.50 is imposed and must be paid upon issuance of
 5 a temporary registration permit by:

6 (i) the department, an authorized agent, or a county treasurer to a nonresident of this state who acquires
 7 a vehicle or vessel in this state or who registers for temporary use in this state a quadricycle or motorcycle
 8 designed for off-road recreational use; or

9 (ii) a person who issued a temporary registration permit using a department-approved electronic interface.

10 (7) The fees imposed under this section, upon collection, must be forwarded to the state and deposited
 11 as follows:

12 (a) \$16.50 from each permit fee collected pursuant to subsection (6) in the state special revenue account
 13 established in 44-10-204; and

14 (b) the remainder in the motor vehicle electronic commerce operating account provided for in 61-3-118.

15 (8) If a temporary registration permit is issued under this section to a person to whom ownership of a
 16 vehicle or vessel has been transferred, the permitholder shall title and register the vehicle or vessel in this or
 17 another jurisdiction before the ownership of the vehicle or vessel may be transferred to another person."

18

19 **SECTION 19. SECTION 61-3-321, MCA, IS AMENDED TO READ:**

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

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

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

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

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

30 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000, the annual

1 registration fee is:

2 (i) for a vehicle less than 1 year old, 1% of the manufacturer's suggested retail price, plus \$217;

3 (ii) for a vehicle between 1 and 2 years old, 0.9% of the manufacturer's suggested retail price, plus \$217;

4 (iii) for a vehicle between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus \$217;

5 and

6 (iv) for a vehicle older than 3 years, the same fee as provided in subsection (2)(a).

7 (3) Except as provided in subsection (15), the one-time registration fee based on the declared weight
8 of a trailer, semitrailer, or pole trailer is as follows:

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

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

11 (4) Except as provided in subsection (15), the one-time registration fee for motor vehicles owned and
12 operated solely as collector's items pursuant to 61-3-411, based on the weight of the vehicle, is as follows:

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

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

15 (5) Except as provided in subsection (15), the one-time registration fee for off-highway vehicles other
16 than a quadricycle or motorcycle is \$61.25.

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

18 (7) (a) ~~The~~ Except as provided in subsection (7)(c), the annual registration fee for a motor home, based
19 on the age of the motor home, is as follows:

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

21 (ii) 2 years old and less than 5 years old, \$224.25;

22 (iii) 5 years old and less than 8 years old, \$132.50; and

23 (iv) 8 years old and older, \$97.50.

24 (b) The owner of a motor home that is 11 years old or older and that is subject to the registration fee
25 under this section may permanently register the motor home upon payment of:

26 (i) a one-time registration fee of \$237.50;

27 (ii) unless a new set of license plates is being issued, an insurance verification fee of \$5, which must be
28 deposited in the account established under 61-6-158;

29 (iii) if applicable, five times the renewal fees for personalized license plates under 61-3-406; and

30 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate

1 license plate under 61-3-465.

2 (c) For a motor home with a manufacturer's suggested retail price of more than \$150,000, the annual
3 registration fee is:

4 (i) for a motor home less than 1 year old, 1% of the manufacturer's suggested retail price, plus \$282.50;

5 (ii) for a motor home between 1 and 2 years old, 0.9% of the manufacturer's suggested retail price, plus
6 \$282.50;

7 (iii) for a motor home between 2 and 3 years old, 0.8% of the manufacturer's suggested retail price, plus
8 \$282.50; and

9 (iv) for a motor home older than 3 years, the same fee as provided in subsection (7)(a).

10 (8) (a) Except as provided in subsection (15), the one-time registration fee for motorcycles and
11 quadricycles registered for use on public highways is \$53.25, and the one-time registration fee for motorcycles
12 and quadricycles registered for both off-road use and for use on the public highways is \$114.50.

13 (b) An additional fee of \$16 must be collected for the registration of each motorcycle or quadricycle as
14 a safety fee, which must be deposited in the state motorcycle safety account provided for in 20-25-1002.

15 (9) Except as provided in subsection (15), the one-time registration fee for travel trailers, based on the
16 length of the travel trailer, is as follows:

17 (a) under 16 feet in length, \$72; and

18 (b) 16 feet in length or longer, \$152.

19 (10) Except as provided in subsection (15), the one-time registration fee for a motorboat, sailboat,
20 personal watercraft, or motorized pontoon required to be numbered under 23-2-512 is as follows:

21 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
22 \$65.50;

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

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

26 (11) (a) Except as provided in subsections (11)(b) and (15), the one-time registration fee for a
27 snowmobile is \$60.50.

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

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

- 1 (B) if the business reregisters the snowmobile for a second year, a fee of \$20.
- 2 (ii) If the business reregisters the snowmobile for a third year, the snowmobile must be permanently
3 registered and the business is assessed the registration fee imposed in subsection (11)(a).
- 4 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.
- 5 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
6 low-speed restricted driver's license is \$25.
- 7 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
8 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
9 which must be displayed visibly on the golf cart.
- 10 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
11 standard license plates, a new single standard license plate, or a replacement set of special license plates
12 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
13 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
14 paid if the vehicle to which the plates are transferred is not currently registered.
- 15 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
16 number from license plates issued before January 1, 2010, when replacement of those plates is required under
17 61-3-332(3).
- 18 (c) The fees imposed in this subsection (13) must be deposited in the account established under
19 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.
- 20 (14) The provisions of this part with respect to the payment of registration fees do not apply to and are
21 not binding upon motor vehicles, trailers, semitrailers, snowmobiles, watercraft, or tractors owned or controlled
22 by the United States of America or any state, county, city, or special district, as defined in 18-8-202, or to a vehicle
23 or vessel that meets the description of property exempt from taxation under 15-6-201(1)(a), (1)(d), (1)(e), (1)(g),
24 (1)(h), (1)(i), (1)(k), (1)(l), (1)(n), or (1)(o), 15-6-203, or 15-6-215, except as provided in 61-3-520.
- 25 (15) Whenever ownership of a trailer, semitrailer, pole trailer, off-highway vehicle, motorcycle,
26 quadricycle, travel trailer, motor home, motorboat, sailboat, personal watercraft, motorized pontoon, snowmobile,
27 motor vehicle owned and operated solely as a collector's item pursuant to 61-3-411, or low-speed electric vehicle
28 is transferred, the new owner shall title and register the vehicle or vessel as required by this chapter and pay the
29 fees imposed under this section.
- 30 (16) A person eligible for a waiver under 61-3-460 is exempt from the fees required under this section.

1 (17) Except as otherwise provided in this section, revenue collected under this section must be deposited
2 in the state general fund.

3 (18) The fees imposed by subsections (2) through (12) are not required to be paid by a dealer for the
4 enumerated vehicles or vessels that constitute inventory of the dealership.

5 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
6 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
7 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
8 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
9 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
10 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

11 (b) A person who registers a light vehicle may, at the time of annual registration, certify that the person
12 does not intend to use the vehicle to visit state parks and fishing access sites and may make a written election
13 not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is made, the fee may not
14 be collected.

15 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
16 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may
17 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
18 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
19 election to pay the additional fee on one or more of the light vehicles.

20 (ii) The written election not to pay the additional fee on a light vehicle expires if the vehicle is registered
21 to a different person.

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

25 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
26 61-3-721.

27 (22) The amount collected based on manufacturer's suggested retail price in subsections (2) and (7) must
28 be deposited in the account established in [section 4] up to the amount appropriated in the general appropriations
29 act and is exempt from the provisions of 15-1-122. Any remaining amount collected must be deposited in the
30 general fund."

1

2 **Section 20.** Section 61-6-158, MCA, is amended to read:

3 **"61-6-158. Vehicle insurance verification and license plate operating account.** (1) There is a vehicle
4 insurance verification and license plate operating account in the state special revenue fund type as provided in
5 17-2-102.

6 (2) Fees imposed under 61-3-321(7)(b)(ii) and (13), 61-3-333, 61-3-465(1)(b)(i), 61-3-480(2)(c)(i), or
7 61-3-562(1)(a)(ii) or established and collected under 61-6-105 must be deposited in the account.

8 (3) The money in the vehicle insurance verification and license plate operating account must be used
9 by the department to pay costs incurred in or associated with the operation, maintenance, and enhancement of
10 the system established under 61-6-157 and the contract required in 61-3-338 for the manufacture and distribution
11 of license plates by Montana correctional enterprises or other costs incurred by the department or as otherwise
12 appropriated by the legislature to the department."

13

14 **NEW SECTION. SECTION 21. APPOINTMENT PROTOCOLS -- TRANSFER OF SPENDING AUTHORIZATION.** (1) THE
15 OFFICE OF COURT ADMINISTRATOR AND THE OFFICE OF STATE PUBLIC DEFENDER SHALL WORK TOGETHER TO DEVELOP
16 MUTUALLY AGREEABLE PROTOCOLS FOR WHEN A PUBLIC DEFENDER IS APPOINTED AND PARTICIPATES IN TREATMENT
17 COURTS OPERATED BY THE JUDICIAL BRANCH. THE PROTOCOLS MUST BE DEVELOPED AND AGREED TO BY BOTH OFFICES
18 BY DECEMBER 31, 2017.

19 (2) IT IS THE INTENT OF THE LEGISLATURE THAT IF HOUSE BILL NO. 77 IS PASSED AND APPROVED AND PROVIDES
20 FOR AN EXECUTIVE DIRECTOR, THE OFFICE OF STATE PUBLIC DEFENDER SHALL PAY THE EXECUTIVE DIRECTOR'S SALARY
21 AND BENEFITS FOR THE BIENNIUM BEGINNING JULY 1, 2017.

22

23 **NEW SECTION. SECTION 22. TRANSITION -- IMPLEMENTATION PROCEDURE.** (1) EXCEPT AS PROVIDED IN
24 SUBSECTIONS (2) AND (3), THE PROVISIONS OF 2-15-131 THROUGH 2-15-137 GOVERN THE TRANSFER OF THE BOARD OF
25 CRIME CONTROL AND THE BOARD'S FUNCTIONS FROM THE DEPARTMENT OF JUSTICE TO THE DEPARTMENT OF
26 CORRECTIONS.

27 (2) THE DEPARTMENT OF CORRECTIONS SHALL PROVIDE STAFF AND SUPPORT SERVICES TO THE BOARD OF CRIME
28 CONTROL. THE LEGISLATURE INTENDS THAT THE BOARD OF CRIME CONTROL SHALL OPERATE WITHIN A LEVEL OF FUNDING
29 THAT IS REDUCED BY THE AMOUNT OF SALARY AND BENEFITS THAT WAS PAID TO THE FORMER EXECUTIVE DIRECTOR AND
30 THAT THE POSITION OF EXECUTIVE DIRECTOR BE ELIMINATED. THE BOARD OF CRIME CONTROL MAY ELIMINATE OTHER

1 POSITIONS AS THE BOARD DETERMINES TO BE NECESSARY, SUBJECT TO THE PROVISIONS OF 2-15-131.

2 (3) THE DEPARTMENT OF CORRECTIONS AND THE BOARD OF CRIME CONTROL SHALL CONTINUE TO BE COLOCATED
3 IN OFFICE SPACE LEASED BY THE DEPARTMENT.

4
5 NEW SECTION. Section 23. Repealer. The following sections of the Montana Code Annotated are
6 repealed:

7 53-30-401. Definitions.

8 53-30-402. Completion of boot camp -- suspension of sentence.

9 53-30-403. Boot camp incarceration program -- eligibility -- rulemaking.

10
11 NEW SECTION. Section 24. Codification instruction -- DIRECTIONS TO CODE COMMISSIONER. (1)
12 [Section 2] is intended to be codified as an integral part of Title 46, chapter 4, and the provisions of Title 46,
13 chapter 4, apply to [section 2].

14 (2) [Sections 3 and 4] are intended to be codified as an integral part of Title 61, chapter 3, and the
15 provisions of Title 61, chapter 3, apply to [sections 3 and 4].

16 (3) [Section 5] is intended to be codified as an integral part of Title 44, chapter 1, and the provisions of
17 Title 44, chapter 1, apply to [section 5].

18 (4) (A) (I) SECTION 2-15-2006 IS INTENDED TO BE RENUMBERED AND CODIFIED AS AN INTEGRAL PART OF TITLE
19 2, CHAPTER 15, PART 23.

20 (II) THE CODE COMMISSIONER IS INSTRUCTED TO RENUMBER SECTIONS IN TITLE 44, CHAPTER 4, PART 3, INTO
21 A NEW CHAPTER IN TITLE 44.

22 (B) THE CODE COMMISSIONER IS INSTRUCTED TO CHANGE INTERNAL REFERENCES WITHIN AND TO THE
23 RENUMBERED SECTIONS ENACTED OR AMENDED BY THE 65TH LEGISLATURE, TO REFLECT THE NEW SECTION NUMBERS
24 ASSIGNED TO SECTIONS PURSUANT TO THIS SECTION.

25 (C) ANY ENACTMENT, INCLUDING AN ENACTMENT OF THE 65TH LEGISLATURE, THAT REQUIRES THAT A SECTION
26 BE CODIFIED IN TITLE 44, CHAPTER 4, PART 3, AND THAT IS RECODIFIED PURSUANT TO THIS SECTION IS INTENDED TO BE
27 CODIFIED AS AN INTEGRAL PART OF THE RECODIFIED PART, AND THE PROVISIONS OF THE NEWLY RECODIFIED PART APPLY
28 TO THE RECODIFIED SECTION.

29
30 COORDINATION SECTION. Section 25. Coordination instruction. (1) If both House Bill No. 5 and

1 [this act] are passed and approved and House Bill No. 5 does not contain an appropriation of \$8.1 million to the
 2 department of justice for capital projects at the Montana law enforcement academy, the transfer in [section 1(2)]
 3 is void.

4 (2) IF BOTH HOUSE BILL NO. 473 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 3 OF THIS ACT]
 5 IS REPLACED WITH THE FOLLOWING LANGUAGE:

6 **"Section 3. Motor vehicle division administrative fees.** The motor vehicle division of the department
 7 shall charge, impose, and collect a 3% administrative fee on all fees charged under 23-2-809, 23-2-617, and this
 8 title to be deposited into the motor vehicle division administration account established in [section 4 of this act]."
 9

10 NEW SECTION. SECTION 26. SAVING CLAUSE. [SECTIONS 7, 11, AND 22] DO NOT AFFECT RIGHTS AND DUTIES
 11 THAT MATURED, PENALTIES THAT WERE INCURRED, OR PROCEEDINGS THAT WERE BEGUN BEFORE [THE EFFECTIVE DATE
 12 OF THIS ACT].

14 NEW SECTION. SECTION 27. SEVERABILITY. IF A PART OF [THIS ACT] IS INVALID, ALL VALID PARTS THAT ARE
 15 SEVERABLE FROM THE INVALID PART REMAIN IN EFFECT. IF A PART OF [THIS ACT] IS INVALID IN ONE OR MORE OF ITS
 16 APPLICATIONS, THE PART REMAINS IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM THE INVALID
 17 APPLICATIONS.

19 NEW SECTION. Section 28. Effective dates. (1) Except as provided in subsection (2), [this act] is
 20 effective July 1, 2017.

21 (2) [Sections 3, 4, and 5 AND 19] are effective January 1, 2018.

23 ~~NEW SECTION. Section 18. Termination. [Sections 4(3), 5(3), and 6] terminate June 30, 2021.~~

24 - END -