

SENATE BILL NO. 95

INTRODUCED BY L. JONES

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING ~~TRANSFERS AND OTHER NECESSARY~~
5 ~~MEASURES TO IMPLEMENT THE GENERAL APPROPRIATIONS ACT; ESTABLISHING A TEMPORARY~~
6 ~~STATE LANDS REIMBURSEMENT BLOCK GRANT; PROVIDING FOR LEGISLATIVE INTENT; CREATING A~~
7 ~~BUREAU OF CRIME CONTROL; PROVIDING TRANSITION INSTRUCTIONS; REQUIRING REPORTING ON~~
8 ~~THE TRANSITION OF ALLOCATING THE BOARD OF CRIME CONTROL TO THE DEPARTMENT OF~~
9 ~~CORRECTIONS FOR ADMINISTRATIVE PURPOSES; CLARIFYING THAT CERTAIN ACCOUNTS ARE~~
10 ~~SUBJECT TO LEGISLATIVE FUND TRANSFERS; AUTHORIZING THE EXECUTIVE BUDGET TO INCLUDE~~
11 ~~SOME OR ALL OF THE LEGISLATIVE BRANCH PLAN TO REDUCE ITS BASE BUDGET; CLARIFYING USES~~
12 ~~OF THE SCHOOL FACILITY AND TECHNOLOGY ACCOUNT; CLARIFYING FUNDING FOR COMMUNITY~~
13 ~~COLLEGES; CLARIFYING USES OF THE HEALTH AND MEDICAID INITIATIVES ACCOUNT; PROVIDING~~
14 ~~FOR THE CALCULATION OF PHYSICIAN SERVICES REIMBURSEMENTS; PROVIDING FOR MAXIMUM~~
15 ~~RATES PAYABLE TO REGIONAL PRISONS; PROVIDING FOR ADDITIONAL USES OF THE FIRE~~
16 ~~SUPPRESSION ACCOUNT AND SUSPENDING TRANSFERS INTO THE ACCOUNT; CLARIFYING FUNDING~~
17 ~~SOURCES FOR LIEN PURCHASES; PROVIDING LEGISLATIVE INTENT REGARDING EFFICIENCY SAVINGS~~
18 ~~IDENTIFIED IN THE BIENNIUM BEGINNING JULY 1, 2017; AMENDING SECTIONS 10-1-108, 10-3-312,~~
19 ~~10-4-301, 17-7-122, 20-9-516, 20-15-310, 20-26-1501, 32-2-102, 44-5-306, 44-5-307, 50-46-344, 52-3-115,~~
20 ~~53-6-125, 53-6-1201, 53-19-310, 53-30-507, 76-13-150, 85-1-615, AND 90-1-205, MCA; AND PROVIDING AN~~
21 ~~IMMEDIATE EFFECTIVE DATE DATES AND A TERMINATION DATE."~~

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 (Refer to Second Reading, Second Chamber, as Amended, Salmon Bill)

25 Strike everything after the enacting clause and insert:

26
27 NEW SECTION. **Section 1. Legislative intent.** The legislature intends that for the biennium beginning
28 July 1, 2017, the department of corrections will amend its contract with Great Falls Pre-Release Services, Inc.,
29 to remove the contract language related to the "Booters" as a result of the passage of House Bill No. 650. The
30 legislature further intends that the department of corrections work cooperatively with Great Falls Pre-Release

1 Services, Inc., to develop an alternative purpose for the contract that is mutually agreeable to both organizations.

2

3 **NEW SECTION. Section 2. Crime control bureau.** There is a bureau within the office of the director
4 called the crime control bureau. The purpose of the bureau is to provide staff and support to the board of crime
5 control established in 2-15-2006.

6

7 **NEW SECTION. Section 3. Transition instructions and reporting.** (1) The staff of the board of crime
8 control, the department of justice, and the department of corrections shall develop a transition plan to allow for
9 the least impactful transition of the board to the department of corrections. The plan must be presented to the
10 legislative finance committee no later than June 30, 2017.

11 (2) From July 1, 2017, to December 31, 2017, the staff of the board of crime control, in collaboration with
12 the department of corrections, shall implement the plan to fully transition the board to the department of
13 corrections by January 1, 2018, in a manner that ensures the least amount of:

- 14 (a) delay in grant recipients receiving funds;
15 (b) impact in reporting for affected grant recipients; and
16 (c) impact for transitioning grants between DUNS numbers with the federal government.

17 (3) To the extent transferring a grant from the department of justice to the department of corrections
18 jeopardizes the grant, as determined by the budget director, the grant may not be transferred to the department
19 of corrections.

20 (4) The department of corrections shall report at least three times to each of the following committees
21 during the biennium beginning July 1, 2017, on the progress of the transition implementation:

- 22 (a) the legislative finance committee;
23 (b) the legislative audit committee;
24 (c) the law and justice interim committee; and
25 (d) the local government interim committee.

26

27 **NEW SECTION. Section 4. State lands reimbursement block grant.** (1) (a) For each fiscal year of
28 the biennium beginning July 1, 2017, the office of public instruction shall provide a state lands reimbursement
29 block grant of \$100,000 to each school district in a county with greater than 20% of the county's land area
30 composed of state school trust lands.

1 (b) The electronic reporting system that is used by the office of public instruction and school districts
 2 must be used to allocate the block grant amount into each district's general fund budget as an anticipated revenue
 3 source.

4 (2) Each year, 70% of each district's block grant must be distributed in November and 30% of each
 5 district's block grant must be distributed in May at the same time that guaranteed tax base aid is distributed.

6
 7 **NEW SECTION. Section 5. Codification instruction.** (1) [Section 2] is intended to be codified as an
 8 integral part of Title 2, chapter 15, part 23, and the provisions of Title 2, chapter 15, part 23, apply to [section 2].

9 (2) [Section 4] is intended to be codified as an integral part of Title 20, chapter 9, part 6, and the
 10 provisions of Title 20, chapter 9, part 6, apply to [section 4].

11
 12 **COORDINATION SECTION. Section 6. Coordination instruction.** If both [this act] and House Bill No.
 13 650 are passed and approved and House Bill No. 650 amends 61-3-321, then the section amending 61-3-321
 14 in House Bill No. 650 is void and 61-3-321 must be amended as follows:

15 **"61-3-321. Registration fees of vehicles and vessels -- certain vehicles exempt from registration**
 16 **fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon
 17 registration or, if applicable, renewal of registration of motor vehicles, snowmobiles, watercraft, trailers,
 18 semitrailers, and pole trailers as provided in subsections (2) through (20).

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

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

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

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

25 (b) For a light vehicle with a manufacturer's suggested retail price of more than \$150,000 that is 10 years
 26 old or less, the annual registration fee is the amount provided for in subsection (2)(a) plus \$825.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (iv) if applicable, the donation fee for a generic specialty license plate under 61-3-480 or a collegiate
21 license plate under 61-3-465.

22 (c) For a motor home with a manufacturer's suggested retail price of more than \$300,000 that is 10 years
23 old or less, the annual registration fee is the amount provided in subsection (7)(a) plus \$800.

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

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

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

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

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

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

5 (a) for a personal watercraft or a motorboat, sailboat, or motorized pontoon less than 16 feet in length,
6 \$65.50;

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

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

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

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

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

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

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

18 (12) (a) The one-time registration fee for a low-speed electric vehicle is \$25.

19 (b) The one-time registration fee for a golf cart that is owned by a person who has or is applying for a
20 low-speed restricted driver's license is \$25.

21 (c) The one-time registration fee for golf carts authorized to operate on certain public streets and
22 highways pursuant to 61-8-391 is \$25. Upon receipt of the fee, the department shall issue the owner a decal,
23 which must be displayed visibly on the golf cart.

24 (13) (a) Except as provided in subsection (13)(b), a fee of \$10 must be collected when a new set of
25 standard license plates, a new single standard license plate, or a replacement set of special license plates
26 required under 61-3-332 is issued. The \$10 fee imposed under this subsection does not apply when previously
27 issued license plates are transferred under 61-3-335. All registration fees imposed under this section must be
28 paid if the vehicle to which the plates are transferred is not currently registered.

29 (b) An additional fee of \$15 must be collected if a vehicle owner elects to keep the same license plate
30 number from license plates issued before January 1, 2010, when replacement of those plates is required under

1 61-3-332(3).

2 (c) The fees imposed in this subsection (13) must be deposited in the account established under
3 61-6-158, except that \$2 of the fee imposed in subsection (13)(a) must be deposited in the state general fund.

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

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

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

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

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

19 (19) (a) Unless a person exercises the option in either subsection (19)(b) or (19)(c), an additional fee of
20 \$6 must be collected for each light vehicle registered under this part. This fee must be accounted for and
21 transmitted separately from the registration fee. The fee must be deposited in an account in the state special
22 revenue fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities.
23 Of the \$6 fee, the department of fish, wildlife, and parks shall use \$5.37 for state parks, 25 cents for fishing
24 access sites, and 38 cents for the operation of state-owned facilities at Virginia City and Nevada City.

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

29 (c) (i) A person who registers one or more light vehicles may, at the time of annual registration, certify
30 that the person does not intend to use any of the vehicles to visit state parks and fishing access sites and may

1 make a written election not to pay the additional \$6 fee provided for in subsection (19)(a). If a written election is
2 made, the fee may not be collected at any subsequent annual registration unless the person makes the written
3 election to pay the additional fee on one or more of the light vehicles.

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

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

9 (21) This section does not apply to a motor vehicle, trailer, semitrailer, or pole trailer that is governed by
10 61-3-721.

11 (22) (a) The \$800 and \$825 amounts collected based on the manufacturer's suggested retail price in
12 subsections (2) and (7) are exempt from the provisions of 15-1-122 and must be deposited in the motor vehicle
13 division administration account established in [section 4 of House Bill No. 650].

14 (b) By August 15 of each year, beginning in the fiscal year beginning July 1, 2019, the department of
15 justice shall deposit into the general fund an amount equal to the fiscal yearend balance minus 25% of the current
16 fiscal year appropriation for the motor vehicle division administration account established in [section 4 of House
17 Bill No. 650].

18

19 COORDINATION SECTION. Section 7. Coordination instruction. If both [this act] and House Bill No.
20 2 are passed and approved, then the following language must be inserted in Section C of House Bill No. 2:

21 (1) under "DEPARTMENT OF FISH, WILDLIFE, AND PARKS": "If sufficient federal funds are not
22 received by the department for aquatic invasive species response, then the state special revenue appropriation
23 for aquatic invasive species response may be increased and the federal special revenue decreased by like
24 amounts."

25 (2) Under "DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION": "If sufficient federal
26 funds are not received by the department for aquatic invasive species response, then the state special revenue
27 appropriation for aquatic invasive species response may be increased and the federal special revenue decreased
28 by like amounts."

29

30 COORDINATION SECTION. Section 8. Coordination instruction. If both [this act] and House Bill No.

1 650 are passed and approved and House Bill No. 650 amends 2-15-2006, then the section amending 2-15-2006
 2 in House Bill No. 650 is void and 2-15-2006 must be amended as follows:

3 **"2-15-2006. Board of crime control -- composition -- allocation.** (1) There is a board of crime control.

4 (2) The board is allocated to the department ~~for administrative purposes only as prescribed in 2-15-121.~~
 5 ~~However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply of corrections.~~

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

13 COORDINATION SECTION. **Section 9. Coordination instruction.** If [this act], House Bill No. 650, and
 14 Senate Bill No. 59 are all passed and approved, then:

15 (1) [section 36 of House Bill No. 650] is void; and

16 (2) [section 3(1)(f) of Senate Bill No. 59] is void and [section 3(1)(d) of Senate Bill No. 59] must read as
 17 follows:

18 "(d) two employees of the department of corrections selected by the director, one of whom must have
 19 expertise in data collection and reporting."
 20

21 COORDINATION SECTION. **Section 10. Coordination instruction.** If both [this act] and House Bill
 22 No. 648 are passed and approved then [section 16 of House Bill No. 648] must be amended to read:

23 **"Section 16. Reductions to appropriations for fiscal year 2017.** The following appropriations for fiscal
 24 year 2017, as enacted in House Bill No. 2 in Ch. 400, Laws of 2015, are reduced as follows:

25 **Department of Justice**

26 ~~Agency~~ Legal Services Division from \$6,995,799 in general fund to \$6,870,799.

27 **Office of Public Instruction**

28 School Facility Reimbursement from \$8,586,000 in state special revenue to \$0."
 29

30 COORDINATION SECTION. **Section 11. Coordination instruction.** If [this act], House Bill No. 473,

1 and House Bill No. 650 are passed and approved then:

2 (1) [section 35 of House Bill No. 650] is void; and

3 (2) the reference to 15-70-403(8) and 60-3-201(1)(e) in [section 5(2) of House Bill No. 650] must read
4 "15-70-403(2)(b) and (3)(b)".

5

6 COORDINATION SECTION. **Section 12. Coordination instruction.** If [this act], House Bill No. 473,
7 and House Bill No. 650 are passed and approved, then [section 34 of House Bill No. 650] is void.

8

9 COORDINATION SECTION. **Section 13. Coordination instruction.** If both [this act] and House Bill
10 No. 2 are passed and approved, then the state special revenue appropriations to the department of commerce
11 under "Office of Tourism and Business Development" in Section A of House Bill No. 2 must be increased by
12 \$200,000 in fiscal year 2018 and 2019.

13

14 COORDINATION SECTION. **Section 14. Coordination instruction.** If House Bill No. 2 and [this act]
15 are passed and approved, then the general fund appropriation for the department of natural resources and
16 conservation under "Water Resources Division" in Section C of House Bill No. 2 must be reduced by \$200,000
17 in the fiscal year beginning July 1, 2017, and \$200,000 in the fiscal year beginning July 1, 2018. This reduction
18 is intended to apply to the funding for the operation of the Montana reserved water rights compact commission.

19

20 COORDINATION SECTION. **Section 15. Coordination instruction.** If House Bill No. 2 and [this act]
21 are passed and approved, then the state special revenue fund appropriations for the department of commerce
22 under "Office of Tourism and Business Development" in Section A of House Bill No. 2 must be increased by
23 \$100,000 in the fiscal year beginning July 1, 2017, and by \$100,000 in the fiscal year beginning July 1, 2018. This
24 increase may only be used to provide grants to entities that address employment barriers through coaching and
25 advocacy, develop skills in managing personal finances, or develop a skilled workforce within the community.

26

27 COORDINATION SECTION. **Section 16. Coordination instruction.** If House Bill No. 2 and [this act]
28 are both passed and approved, then:

29 (1) the general fund appropriation for reimbursement block grants in House Bill No. 2 must be increased
30 by \$100,000 in each fiscal year of the biennium beginning July 1, 2017, for the purpose of distributing state lands

1 reimbursement block grants as provided in [section 4]; and

2 (2) the general fund appropriation for BASE aid in House Bill No. 2 must be reduced by \$34,000 in fiscal
3 year 2018 and by \$42,000 in fiscal year 2019 for the purpose of guaranteed tax base reduction related to the
4 distribution of state lands reimbursement block grants as provided in [section 4].

5
6 COORDINATION SECTION. **Section 17. Coordination instruction.** If House Bill No. 2, Senate Bill
7 No. 309, and [this act] are all passed and approved, then the state special revenue appropriation for Office of
8 Tourism and Business Development in House Bill No. 2 must be increased by \$110,000 in the year beginning
9 July 1, 2017, and \$120,000 in the year beginning July 1, 2018. The funding is restricted to the state-tribal
10 economic development commission for the purposes of Senate Bill No. 309.

11
12 NEW SECTION. **Section 18. Severability.** If a part of [this act] is invalid, all valid parts that are
13 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
14 the part remains in effect in all valid applications that are severable from the invalid applications.

15
16 NEW SECTION. **Section 19. Effective dates.** (1) Except as provided in subsections (2) and (3), [this
17 act] is effective July 1, 2017.

18 (2) [Sections 9 and 10] and this section are effective on passage and approval.

19 (3) [Sections 2, 5(1), 6, and 8] are effective January 1, 2018.

20
21 NEW SECTION. **Section 20. Termination.** [Section 4] terminates June 30, 2019.

22 - END -