

HOUSE BILL NO. 711

INTRODUCED BY CONNELLY, HARP, CLARK, J. BROWN, DAVIS

IN THE HOUSE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HIGHWAYS & TRANSPORTATION.

FEBRUARY 9, 1991 FIRST READING.

FEBRUARY 18, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 19, 1991 PRINTING REPORT.

FEBRUARY 23, 1991 SECOND READING, DO PASS.

FEBRUARY 25, 1991 ENGROSSING REPORT.

FEBRUARY 26, 1991 THIRD READING, PASSED.
AYES, 96; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 1, 1991 SECOND READING, CONCURRED IN.

APRIL 2, 1991 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 9, 1991 RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 10, 1991 THIRD READING, AMENDMENTS

CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *711*
 2 INTRODUCED BY *Cornally* *HARP* *John*
 3 *J. Brown* *Rowe*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A
 5 SUPPLEMENTAL HIGHWAY PATROL BENEFIT PAYMENT FOR CERTAIN
 6 RETIREES; TO PROVIDE FOR AN INCREASE IN MOTOR VEHICLE FEES;
 7 AMENDING SECTION 61-3-321, MCA; AND PROVIDING AN EFFECTIVE
 8 DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. **Section 1.** Supplemental benefits for
 12 certain retirees. A Montana highway patrol officer who
 13 retires before July 1, 1991, is eligible for a supplemental
 14 benefit. Twenty-five cents of each motor vehicle
 15 registration fee provided for in 61-3-321 must be deposited
 16 in the general fund at the end of each fiscal year, and
 17 total funds must be distributed by the department in a
 18 lump-sum payment, beginning in September 1992 and each
 19 succeeding year to eligible retirees or survivors,
 20 proportionately based on years of service at the time of
 21 retirement. The supplemental benefit payment is not part of
 22 the minimum monthly benefit allowance provided for in
 23 19-6-707 and does not increase the base payment for purposes
 24 of calculating the minimum benefit.

25 **Section 2.** Section 61-3-321, MCA, is amended to read:

1 "61-3-321. Registration fees of vehicles --
 2 public-owned vehicles exempt from license or registration
 3 fees -- disposition of fees. (1) Registration or license
 4 fees must be paid upon registration or reregistration of
 5 motor vehicles, trailers, housetrailers, and semitrailers,
 6 in accordance with this chapter, as follows:

- 7 (a) motor vehicles weighing 2,850 pounds or under
- 8 (other than motortrucks), \$5;
- 9 (b) motor vehicles weighing over 2,850 pounds (other
- 10 than motortrucks), \$10;
- 11 (c) electrically driven passenger vehicles, \$10;
- 12 (d) all motorcycles and quadricycles, \$2;
- 13 (e) tractors and/or trucks, \$10;
- 14 (f) buses are classed as motortrucks and licensed
- 15 accordingly;
- 16 (g) trailers and semitrailers less than 2,500 pounds
- 17 maximum gross loaded weight and housetrailers of all
- 18 weights, \$2;
- 19 (h) trailers and semitrailers over 2,500 up to 6,000
- 20 pounds maximum gross loaded weight (except housetrailers),
- 21 \$5;
- 22 (i) trailers and semitrailers over 6,000 pounds maximum
- 23 gross loaded weight, \$10;
- 24 (j) trailers used exclusively in the transportation of
- 25 logs in the forest or in the transportation of oil and gas



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 HB 711

1 well machinery, road machinery, or bridge materials, new and
2 secondhand, \$15 annually, regardless of size or capacity.

3 (2) All rates are 25% higher for motor vehicles,
4 trailers, and semitrailers not equipped with pneumatic
5 tires.

6 (3) "Tractor", as specified in this section, means any
7 motor vehicle, except passenger cars, used for towing a
8 trailer or semitrailer.

9 (4) If any motor vehicle, housetrailer, trailer, or
10 semitrailer is originally registered 6 months after the time
11 of registration as set by law, the registration or license
12 fee for the remainder of the year is one-half of the regular
13 fee.

14 (5) An additional fee of \$5-25 \$5.50 per year for each
15 registration of a vehicle must be collected as a
16 registration fee. Revenue from this fee must be forwarded by
17 the respective county treasurers to the state treasurer for
18 deposit in the general fund. The department of justice shall
19 distribute 25 cents from each fee collected to the highway
20 patrol retirement fund. In addition, the department shall
21 distribute 25 cents from the motor vehicle registration fee
22 for payment of supplemental benefits provided for in
23 [section 1].

24 (6) A fee of \$2 for each set of new number plates must
25 be collected when number plates provided for under

1 61-3-332(3) are issued. Revenue from this fee must be
2 deposited as provided in subsection (5).

3 (7) The provisions of this part with respect to the
4 payment of registration fees do not apply to and are not
5 binding upon motor vehicles, trailers or semitrailers, or
6 tractors owned or controlled by the United States of America
7 or any state, county, or city.

8 (8) The provisions of this section relating to the
9 payment of registration fees or new number plate fees do not
10 apply when number plates are transferred to a replacement
11 vehicle under 61-3-317, 61-3-332, or 61-3-335."

12 NEW SECTION. Section 3. Codification instruction.
13 [Section 1] is intended to be codified as an integral part
14 of Title 19, chapter 6, part 7, and the provisions of Title
15 19, chapter 6, part 7, apply to [section 1].

16 NEW SECTION. Section 4. Coordination instruction. If
17 ___ Bill No. ___ [LC 522] is passed and approved, the motor
18 vehicle registration fee is \$4.25, and 25 cents must be
19 distributed to fund the supplemental benefits provided for
20 in [section 1].

21 NEW SECTION. Section 5. Effective date. [This act] is
22 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0711, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act to provide a supplemental highway patrol benefit payment for certain retirees; to provide for an increase in motor vehicle fees; amending section 61-3-321, MCA; and providing an effective date.

ASSUMPTIONS:

1. Twenty-five cents of each motor vehicle registration fee must be deposited in the general fund at the end of each fiscal year. Each September the total amount deposited must be distributed in a lump-sum payment to eligible retirees or survivors proportionately based on years of service at the time of retirement.
2. Projected general fund receipts from vehicle registration is \$4.2 million each year of the 1993 biennium. The proposed legislation increases vehicle registration 5% to generate payment of the proposed supplemental benefits.
3. Approximately 190 retirees would be eligible for the supplemental benefit during each year of the next biennium. The average HWPORS retiree has 24 years of service at the time of retirement. The average eligible recipient will receive a lump sum supplemental benefit of \$1,104 during September 1992 and September 1993. If motor vehicle registrations increase, the amount of distribution will increase accordingly.
4. The lump-sum benefit payment will be distributed by the Public Employees Retirement Division (PERD) of the Department of Administration. PERD will require computer programming and processing to accomplish the computation and payment of the supplemental benefit to eligible recipients. The cost of this additional computer work is estimated at \$5,000 during each year of the next biennium. Funding necessary to administer the program will be derived from investment earnings on the HWPORS pension trust fund.

FISCAL IMPACT:

see next page



ROD SUNDSTED, BUDGET DIRECTOR 24-91
Office of Budget and Program Planning DATE



MARY ELLEN CONNELLY, PRIMARY SPONSOR 2-15-91
DATE

Fiscal Note for HB0711, as introduced. **HB 711**

Fiscal Note Request, HB0711, as introduced.

Form BD-15

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FISCAL IMPACT:

<u>PERD:</u>	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	5,000	5,000	0	5,000	5,000
Benefits and Claims	<u>0</u>	<u>210,000</u>	<u>210,000</u>	<u>0</u>	<u>210,000</u>	<u>210,000</u>
Total	0	215,000	215,000	0	215,000	215,000
<u>Funding:</u>						
General Fund	0	210,000	210,000	0	210,000	210,000
Expendable Trust	<u>0</u>	<u>5,000</u>	<u>5,000</u>	<u>0</u>	<u>5,000</u>	<u>5,000</u>
Total	0	215,000	215,000	0	215,000	215,000
<u>Revenues:</u>						
Registration Fees (01)	4,200,000	4,410,000	210,000	4,200,000	4,410,000	210,000
General Fund Impact			0			0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Overtime, increasing amounts of receipts will be available for distribution to a dwindling number of eligible HWPORS benefit recipients.

TECHNICAL NOTES:

There is no appropriation for the fees collected in this bill. The Department of Justice may require authority to transfer the 25 cents to HWPORS, and PERD will need an appropriation for the proposed payment to eligible recipients.

HB 711

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HBO711, third reading, amended.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide a supplemental highway patrol benefit payment for certain retirees; to provide for an increase in motor vehicle fees; amending section 61-3-321, MCA; and providing an effective date.

ASSUMPTIONS:

1. An additional fee of \$1.25 per year for each registration of a vehicle will be collected. The fee will be statutorily appropriated to the highway patrol retirement fund at the end of each fiscal year. Each September, beginning in FY93, the total amount deposited must be distributed in a lump-sum payment to eligible retirees or survivors proportionately based on years of service at the time of retirement.
2. Projected receipts from vehicle registration are \$4.2 million each year of the 1993 biennium. The proposed legislation will generate approximately \$210,000 per year.
3. As of January, 1991, the average HWPORS benefit averaged \$10,070 per year. Under the proposed legislation, the average eligible recipient of the supplemental benefit will receive an approximate 13% increase in their annual HWPORS benefits. The lower the regular benefits, the higher the percentage increase actually received; whereas, the higher the regular benefits, the lower the percentage increase received.
4. Under the proposed legislation, the supplemental benefits would commence in September, 1992, which is in FY93. Approximately 164 retirees would be eligible for the supplemental benefit during FY93. The average eligible recipient will receive a lump sum supplemental benefit of approximately \$1,329 during September 1992. If motor vehicle registrations increase, the amount of distribution will increase accordingly.
5. The lump-sum benefit payment will be distributed by the Public Employees Retirement Division (PERD) of the Department of Administration. PERD will require computer programming and processing to accomplish the computation and payment of the supplemental benefit to eligible recipients. The cost of this additional computer work is estimated at \$5,000 during FY93, funding from investment earnings on the HWPORS pension trust fund.
6. Interest will accrue to the general fund from the deposited fees until time of transfer to the retirement fund.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR 3-23-91
Office of Budget and Program Planning DATE


MARY ELLEN CONNELLY, PRIMARY SPONSOR 3/26/91
DATE

Fiscal Note for HBO711, third reading, amended **HBO711-3**
AMENDED

Fiscal Note Request, HB0711, third reading, amended

Form BD-15

Page 2

FISCAL IMPACT:

<u>PERD:</u>	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	0	0	0	5,000	5,000
Benefits and Claims	0	0	0	0	210,000	210,000
Total	0	0	0	0	215,000	215,000
<u>Funding:</u>						
Expendable Trust	0	0	0	0	5,000	5,000
Total	0	0	0	0	215,000	215,000
<u>Revenues:</u>						
Registration Fees (01)	4,200,000	4,410,000	210,000	4,200,000	4,410,000	210,000

LONG-RANGE IMPACT:

This legislation could potentially result in requests from retirees in the state's eight other public retirement systems for a similar supplemental benefit.

HB 711-2
AMENDED

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HBO711, third reading, amended.

DESCRIPTION OF PROPOSED LEGISLATION:


An act to provide a supplemental highway patrol benefit payment for certain retirees; to provide for an increase in motor vehicle fees; amending section 61-3-321, MCA; and providing an effective date.

ASSUMPTIONS:

1. An additional fee of 25 cents per year for each registration of a vehicle will be collected. The fee will be statutorily appropriated to the highway patrol retirement fund at the end of each fiscal year. Each September, beginning in FY93, the total amount deposited must be distributed in a lump-sum payment to eligible retirees or survivors proportionately based on years of service at the time of retirement.
2. Projected receipts from vehicle registration are \$4.2 million each year of the 1993 biennium. The proposed legislation will generate approximately \$210,000 per year.
3. As of January, 1991, the average HWPORS benefit averaged \$10,070 per year. Under the proposed legislation, the average eligible recipient of the supplemental benefit will receive an approximate 13% increase in their annual HWPORS benefits. The lower the regular benefits, the higher the percentage increase actually received; whereas, the higher the regular benefits, the lower the percentage increase received.
4. Under the proposed legislation, the supplemental benefits would commence in September, 1992, which is in FY93. Approximately 164 retirees would be eligible for the supplemental benefit during FY93. The average eligible recipient will receive a lump sum supplemental benefit of approximately \$1,329 during September 1992. If motor vehicle registrations increase, the amount of distribution will increase accordingly.
5. The lump-sum benefit payment will be distributed by the Public Employees Retirement Division (PERD) of the Department of Administration. PERD will require computer programming and processing to accomplish the computation and payment of the supplemental benefit to eligible recipients. The cost of this additional computer work is estimated at \$5,000 during FY93, funding from investment earnings on the HWPORS pension trust fund.
6. Interest will accrue to the general fund from the deposited fees until time of transfer to the retirement fund.

FISCAL IMPACT:

see next page


ROD SUNDSTED, BUDGET DIRECTOR 3-28-91 DATE
Office of Budget and Program Planning


MARY ELLEN CONNELLY, PRIMARY SPONSOR 4-1-91 DATE

Fiscal Note for HBO711, third reading, amended **HB 711-3**

Fiscal Note Request, HB0711, third reading, amended

Form BD-15

Page 2

FISCAL IMPACT:

<u>PERD:</u>	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	0	0	0	5,000	5,000
Benefits and Claims	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>210,000</u>	<u>210,000</u>
Total	0	0	0	0	215,000	215,000
<u>Funding:</u>						
Expendable Trust	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>5,000</u>	<u>5,000</u>
Total	0	0	0	0	215,000	215,000
<u>Revenues:</u>						
Registration Fees (01)	4,200,000	4,410,000	210,000	4,200,000	4,410,000	210,000

LONG-RANGE IMPACT:

This legislation could potentially result in requests from retirees in the state's eight other public retirement systems for a similar supplemental benefit.

HB 711 - 3

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

1 HOUSE BILL NO. 711

2 INTRODUCED BY CONNELLY, HARP, CLARK, J. BROWN, DAVIS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A
5 SUPPLEMENTAL HIGHWAY PATROL BENEFIT PAYMENT FOR CERTAIN
6 RETIREES; TO PROVIDE FOR AN INCREASE IN MOTOR VEHICLE FEES;
7 TO PROVIDE A STATUTORY APPROPRIATION; AMENDING SECTION
8 SECTIONS 17-7-502 AND 61-3-321, MCA; AND PROVIDING AN
9 EFFECTIVE DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Supplemental benefits for
13 certain retirees. A--Montana--highway--patrol--officer--who
14 retires--before--July--17--1991--is--eligible--for--a--supplemental
15 benefit--Twenty-five--cents--of--each--motor--vehicle
16 registration--fee--provided--for--in--61-3-321--must--be--deposited
17 in--the--general--fund--at--the--end--of--each--fiscal--year--and
18 total--funds--must--be--distributed--by--the--department--in--a
19 lump-sum--payment--beginning--in--September--1992--and--each
20 succeeding--year--to--eligible--retirees--or--survivors--
21 proportionately--based--on--years--of--service--at--the--time--of
22 retirement--The--supplemental--benefit--payment--is--not--part--of
23 the--minimum--monthly--benefit--allowance--provided--for--in
24 19-6-707--and--does--not--increase--the--base--payment--for--purposes
25 of--calculating--the--minimum--benefit-- (1) IN ADDITION TO ANY

1 RETIREMENT ALLOWANCE PAYABLE UNDER THIS CHAPTER, A RETIRED
2 PATROL OFFICER OR A BENEFICIARY DETERMINED BY THE BOARD TO
3 BE ELIGIBLE UNDER SUBSECTION (2) SHALL RECEIVE AN ANNUAL
4 LUMP-SUM PAYMENT BEGINNING IN SEPTEMBER 1992 AND EACH
5 SUCCEEDING YEAR AS LONG AS HE REMAINS ELIGIBLE.

6 (2) TO BE ELIGIBLE FOR THE BENEFITS UNDER THIS SECTION,
7 A PERSON MUST BE:

8 (A) A RETIRED PATROL OFFICER WHO IS 55 YEARS OF AGE OR
9 OLDER AND WHO HAS BEEN RECEIVING A SERVICE ALLOWANCE FOR AT
10 LEAST 5 YEARS PRIOR TO THE DATE OF DISTRIBUTION;

11 (B) A BENEFICIARY OF A PATROL OFFICER WHO WOULD HAVE
12 BEEN ELIGIBLE UNDER SUBSECTION (2)(A); OR

13 (C) A RECIPIENT OF A DISABILITY OR SURVIVORSHIP
14 ALLOWANCE UNDER 19-6-601 OR 19-6-603.

15 (3) A RETIRED PATROL OFFICER OTHERWISE QUALIFIED UNDER
16 THIS SECTION WHO IS EMPLOYED IN A POSITION COVERED BY A
17 RETIREMENT SYSTEM UNDER TITLE 19, CHAPTERS 3 THROUGH 13, IS
18 INELIGIBLE TO RECEIVE ANY LUMP-SUM PAYMENTS PROVIDED FOR IN
19 THIS SECTION UNTIL HIS EMPLOYMENT IN THE COVERED POSITION IS
20 TERMINATED. UPON TERMINATION OF HIS COVERED EMPLOYMENT, THE
21 OFFICER BECOMES ELIGIBLE IN THE NEXT FISCAL YEAR SUCCEEDING
22 HIS TERMINATION.

23 (4) (A) TWENTY-FIVE CENTS OF EACH MOTOR VEHICLE
24 REGISTRATION FEE PROVIDED FOR IN 61-3-321 MUST BE DEPOSITED
25 IN THE HIGHWAY PATROL FUND AT THE END OF EACH FISCAL YEAR.

SECOND READING

1 THE FEE IS STATUTORILY APPROPRIATED, AS PROVIDED IN
 2 17-7-502, FOR PAYMENT OF BENEFITS TO ELIGIBLE RECIPIENTS.
 3 THE TOTAL FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT IN
 4 LUMP-SUM PAYMENTS TO ELIGIBLE RECIPIENTS ALONG WITH THEIR
 5 NORMAL RETIREMENT ALLOWANCE PAYMENT.

6 (B) THE LUMP-SUM PAYMENT MUST BE DISTRIBUTED
 7 PROPORTIONALLY TO ALL ELIGIBLE RECIPIENTS BASED ON YEARS OF
 8 SERVICE AT THE TIME OF RETIREMENT, SUBJECT TO THE FOLLOWING:

9 (I) A RECIPIENT UNDER SUBSECTION (2)(C) IS CONSIDERED
 10 TO HAVE 20 YEARS OF SERVICE FOR THE PURPOSES OF THE
 11 DISTRIBUTIONS;

12 (II) ANY RECIPIENT OF A SERVICE RETIREMENT ALLOWANCE
 13 EXCEEDING THE MAXIMUM MONTHLY ALLOWANCE UNDER 19-6-707(2)(A)
 14 MUST HAVE HIS YEARS OF SERVICE REDUCED 25% FOR THE PURPOSES
 15 OF THE DISTRIBUTIONS.

16 **SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

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

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

25 (a) The law containing the statutory authority must be

1 listed in subsection (3).

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

5 (3) The following laws are the only laws containing
 6 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 7 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 8 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 9 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 10 17-5-424; 17-5-804; [section 1]; 19-8-504; 19-9-702;
 11 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
 12 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
 13 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
 14 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
 15 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
 16 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
 17 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
 18 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
 19 of 1985.

20 (4) There is a statutory appropriation to pay the
 21 principal, interest, premiums, and costs of issuing, paying,
 22 and securing all bonds, notes, or other obligations, as due,
 23 that have been authorized and issued pursuant to the laws of
 24 Montana. Agencies that have entered into agreements
 25 authorized by the laws of Montana to pay the state

1 treasurer, for deposit in accordance with 17-2-101 through
 2 17-2-107, as determined by the state treasurer, an amount
 3 sufficient to pay the principal and interest as due on the
 4 bonds or notes have statutory appropriation authority for
 5 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 6 664, L. 1987, the inclusion of 39-71-2504 terminates June
 7 30, 1991.)"

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

9 "61-3-321. Registration fees of vehicles --
 10 public-owned vehicles exempt from license or registration
 11 fees -- disposition of fees. (1) Registration or license
 12 fees must be paid upon registration or reregistration of
 13 motor vehicles, trailers, housetrailers, and semitrailers,
 14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
 16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
 18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses are classed as motortrucks and licensed
 23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
 25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
 3 pounds maximum gross loaded weight (except housetrailers),
 4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds maximum
 6 gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
 8 logs in the forest or in the transportation of oil and gas
 9 well machinery, road machinery, or bridge materials, new and
 10 secondhand, \$15 annually, regardless of size or capacity.

11 (2) All rates are 25% higher for motor vehicles,
 12 trailers, and semitrailers not equipped with pneumatic
 13 tires.

14 (3) "Tractor", as specified in this section, means any
 15 motor vehicle, except passenger cars, used for towing a
 16 trailer or semitrailer.

17 (4) If any motor vehicle, housetrailer, trailer, or
 18 semitrailer is originally registered 6 months after the time
 19 of registration as set by law, the registration or license
 20 fee for the remainder of the year is one-half of the regular
 21 fee.

22 (5) An additional fee of ~~\$5~~ \$5.50 per year for each
 23 registration of a vehicle must be collected as a
 24 registration fee. Revenue from this fee must be forwarded by
 25 the respective county treasurers to the state treasurer for

1 deposit in the general fund. The department of justice shall
 2 distribute 25 cents from each fee collected to the highway
 3 patrol retirement fund. In addition, the department shall
 4 distribute 25 cents from the motor vehicle registration fee
 5 for payment of supplemental benefits provided for in
 6 [section 1].

7 (6) A fee of \$2 for each set of new number plates must
 8 be collected when number plates provided for under
 9 61-3-332(3) are issued. Revenue from this fee must be
 10 deposited as provided in subsection (5).

11 (7) The provisions of this part with respect to the
 12 payment of registration fees do not apply to and are not
 13 binding upon motor vehicles, trailers or semitrailers, or
 14 tractors owned or controlled by the United States of America
 15 or any state, county, or city.

16 (8) The provisions of this section relating to the
 17 payment of registration fees or new number plate fees do not
 18 apply when number plates are transferred to a replacement
 19 vehicle under 61-3-317, 61-3-332, or 61-3-335."

20 NEW SECTION. Section 4. Codification instruction.
 21 [Section 1] is intended to be codified as an integral part
 22 of Title 19, chapter 6, part 7, and the provisions of Title
 23 19, chapter 6, part 7, apply to [section 1].

24 NEW SECTION. Section 5. Coordination instruction. If
 25 Senate Bill No. 192 is passed and approved, the motor

1 vehicle registration fee is ~~94-25~~ 95.25, and 25 cents must
 2 be distributed to fund the supplemental benefits provided
 3 for in [section 1].

4 NEW SECTION. Section 6. Effective date. [This act] is
 5 effective July 1, 1991.

-End-

HOUSE BILL NO. 711

INTRODUCED BY CONNELLY, HARP, CLARK, J. BROWN, DAVIS

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A SUPPLEMENTAL HIGHWAY PATROL BENEFIT PAYMENT FOR CERTAIN RETIREES; TO PROVIDE FOR AN INCREASE IN MOTOR VEHICLE FEES; TO PROVIDE A STATUTORY APPROPRIATION; AMENDING SECTION SECTIONS 17-7-502 AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Supplemental benefits for certain retirees. A--Montana--highway--patrol--officer--who retires--before--July--17--19917--is--eligible--for--a--supplemental benefit.---Twenty-five---cents---of---each---motor---vehicle registration--fee--provided--for--in--61-3-321--must--be--deposited in--the--general--fund--at--the--end--of--each--fiscal--year,--and total--funds--must--be--distributed--by--the--department--in--a lump-sum--payment,--beginning--in--September--1992--and--each succeeding--year--to--eligible---retirees---or---survivors, proportionately--based--on--years--of--service--at--the--time--of retirement. The supplemental benefit payment is not part of the--minimum--monthly--benefit--allowance--provided--for--in 19-6-707--and--does--not--increase--the--base--payment--for--purposes of--calculating--the--minimum--benefit. (1) IN ADDITION TO ANY

RETIREMENT ALLOWANCE PAYABLE UNDER THIS CHAPTER, A RETIRED PATROL OFFICER OR A BENEFICIARY DETERMINED BY THE BOARD TO BE ELIGIBLE UNDER SUBSECTION (2) SHALL RECEIVE AN ANNUAL LUMP-SUM PAYMENT BEGINNING IN SEPTEMBER 1992 AND EACH SUCCEEDING YEAR AS LONG AS HE REMAINS ELIGIBLE.

(2) TO BE ELIGIBLE FOR THE BENEFITS UNDER THIS SECTION, A PERSON MUST BE:

(A) A RETIRED PATROL OFFICER WHO IS 55 YEARS OF AGE OR OLDER AND WHO HAS BEEN RECEIVING A SERVICE ALLOWANCE FOR AT LEAST 5 YEARS PRIOR TO THE DATE OF DISTRIBUTION;

(B) A BENEFICIARY OF A PATROL OFFICER WHO WOULD HAVE BEEN ELIGIBLE UNDER SUBSECTION (2)(A); OR

(C) A RECIPIENT OF A DISABILITY OR SURVIVORSHIP ALLOWANCE UNDER 19-6-601 OR 19-6-603.

(3) A RETIRED PATROL OFFICER OTHERWISE QUALIFIED UNDER THIS SECTION WHO IS EMPLOYED IN A POSITION COVERED BY A RETIREMENT SYSTEM UNDER TITLE 19, CHAPTERS 3 THROUGH 13, IS INELIGIBLE TO RECEIVE ANY LUMP-SUM PAYMENTS PROVIDED FOR IN THIS SECTION UNTIL HIS EMPLOYMENT IN THE COVERED POSITION IS TERMINATED. UPON TERMINATION OF HIS COVERED EMPLOYMENT, THE OFFICER BECOMES ELIGIBLE IN THE NEXT FISCAL YEAR SUCCEEDING HIS TERMINATION.

(4) (A) TWENTY-FIVE CENTS OF EACH MOTOR VEHICLE REGISTRATION FEE PROVIDED FOR IN 61-3-321 MUST BE DEPOSITED IN THE HIGHWAY PATROL FUND AT THE END OF EACH FISCAL YEAR.

THIRD READING

1 THE FEE IS STATUTORILY APPROPRIATED, AS PROVIDED IN
 2 17-7-502, FOR PAYMENT OF BENEFITS TO ELIGIBLE RECIPIENTS.
 3 THE TOTAL FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT IN
 4 LUMP-SUM PAYMENTS TO ELIGIBLE RECIPIENTS ALONG WITH THEIR
 5 NORMAL RETIREMENT ALLOWANCE PAYMENT.

6 (B) THE LUMP-SUM PAYMENT MUST BE DISTRIBUTED
 7 PROPORTIONALLY TO ALL ELIGIBLE RECIPIENTS BASED ON YEARS OF
 8 SERVICE AT THE TIME OF RETIREMENT, SUBJECT TO THE FOLLOWING:

9 (I) A RECIPIENT UNDER SUBSECTION (2)(C) IS CONSIDERED
 10 TO HAVE 20 YEARS OF SERVICE FOR THE PURPOSES OF THE
 11 DISTRIBUTIONS;

12 (II) ANY RECIPIENT OF A SERVICE RETIREMENT ALLOWANCE
 13 EXCEEDING THE MAXIMUM MONTHLY ALLOWANCE UNDER 19-6-707(2)(A)
 14 MUST HAVE HIS YEARS OF SERVICE REDUCED 25% FOR THE PURPOSES
 15 OF THE DISTRIBUTIONS.

16 **SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

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

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

25 (a) The law containing the statutory authority must be

1 listed in subsection (3).

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

5 (3) The following laws are the only laws containing
 6 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 7 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 8 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 9 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 10 17-5-424; 17-5-804; [section 1]; 19-8-504; 19-9-702;
 11 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
 12 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
 13 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
 14 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
 15 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
 16 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
 17 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
 18 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
 19 of 1985.

20 (4) There is a statutory appropriation to pay the
 21 principal, interest, premiums, and costs of issuing, paying,
 22 and securing all bonds, notes, or other obligations, as due,
 23 that have been authorized and issued pursuant to the laws of
 24 Montana. Agencies that have entered into agreements
 25 authorized by the laws of Montana to pay the state

1 treasurer, for deposit in accordance with 17-2-101 through
 2 17-2-107, as determined by the state treasurer, an amount
 3 sufficient to pay the principal and interest as due on the
 4 bonds or notes have statutory appropriation authority for
 5 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 6 664, L. 1987, the inclusion of 39-71-2504 terminates June
 7 30, 1991.)"

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

9 "61-3-321. Registration fees of vehicles --
 10 public-owned vehicles exempt from license or registration
 11 fees -- disposition of fees. (1) Registration or license
 12 fees must be paid upon registration or reregistration of
 13 motor vehicles, trailers, housetrailers, and semitrailers,
 14 in accordance with this chapter, as follows:

15 (a) motor vehicles weighing 2,850 pounds or under
 16 (other than motortrucks), \$5;

17 (b) motor vehicles weighing over 2,850 pounds (other
 18 than motortrucks), \$10;

19 (c) electrically driven passenger vehicles, \$10;

20 (d) all motorcycles and quadricycles, \$2;

21 (e) tractors and/or trucks, \$10;

22 (f) buses are classed as motortrucks and licensed
 23 accordingly;

24 (g) trailers and semitrailers less than 2,500 pounds
 25 maximum gross loaded weight and housetrailers of all

1 weights, \$2;

2 (h) trailers and semitrailers over 2,500 up to 6,000
 3 pounds maximum gross loaded weight (except housetrailers),
 4 \$5;

5 (i) trailers and semitrailers over 6,000 pounds maximum
 6 gross loaded weight, \$10;

7 (j) trailers used exclusively in the transportation of
 8 logs in the forest or in the transportation of oil and gas
 9 well machinery, road machinery, or bridge materials, new and
 10 secondhand, \$15 annually, regardless of size or capacity.

11 (2) All rates are 25% higher for motor vehicles,
 12 trailers, and semitrailers not equipped with pneumatic
 13 tires.

14 (3) "Tractor", as specified in this section, means any
 15 motor vehicle, except passenger cars, used for towing a
 16 trailer or semitrailer.

17 (4) If any motor vehicle, housetrailer, trailer, or
 18 semitrailer is originally registered 6 months after the time
 19 of registration as set by law, the registration or license
 20 fee for the remainder of the year is one-half of the regular
 21 fee.

22 (5) An additional fee of ~~\$5~~+25 \$5.50 per year for each
 23 registration of a vehicle must be collected as a
 24 registration fee. Revenue from this fee must be forwarded by
 25 the respective county treasurers to the state treasurer for

1 deposit in the general fund. The department of justice shall
 2 distribute 25 cents from each fee collected to the highway
 3 patrol retirement fund. In addition, the department shall
 4 distribute 25 cents from the motor vehicle registration fee
 5 for payment of supplemental benefits provided for in
 6 [section 1].

7 (6) A fee of \$2 for each set of new number plates must
 8 be collected when number plates provided for under
 9 61-3-332(3) are issued. Revenue from this fee must be
 10 deposited as provided in subsection (5).

11 (7) The provisions of this part with respect to the
 12 payment of registration fees do not apply to and are not
 13 binding upon motor vehicles, trailers or semitrailers, or
 14 tractors owned or controlled by the United States of America
 15 or any state, county, or city.

16 (8) The provisions of this section relating to the
 17 payment of registration fees or new number plate fees do not
 18 apply when number plates are transferred to a replacement
 19 vehicle under 61-3-317, 61-3-332, or 61-3-335."

20 NEW SECTION. Section 4. Codification instruction.
 21 [Section 1] is intended to be codified as an integral part
 22 of Title 19, chapter 6, part 7, and the provisions of Title
 23 19, chapter 6, part 7, apply to [section 1].

24 NEW SECTION. Section 5. Coordination instruction. If
 25 Senate Bill No. 192 is passed and approved, the motor

1 vehicle registration fee is ~~\$4.25~~ \$5.25, and 25 cents must
 2 be distributed to fund the supplemental benefits provided
 3 for in [section 1].

4 NEW SECTION. Section 6. Effective date. [This act] is
 5 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 2 of 2
March 27, 1991

Page 1 of 2
March 27, 1991

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill No. 711 (third reading copy -- blue), respectfully report that House Bill No. 711 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "RETIRES"

Insert: "RECEIVING MONTHLY BENEFITS PRIOR TO JULY 1, 1991"

2. Title, line 9.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 2, line 7.

Following: "MUST"

Insert: "be receiving a monthly benefit before July 1, 1991, and must

4. Page 3, line 15.

Strike: "-"

Insert: ";

5. Page 3.

Following: line 15

Insert: "(iii) the maximum amount available for payment of supplemental benefits under this section after August 31, 1993, is limited to an amount that will provide a percentage increase in the average supplemental benefit of all eligible members that is equal to the percentage increase for the previous calendar year in the annual average consumer price index for urban wage earners and workers, compiled by the bureau of labor statistics of the United States department of labor or its successor agency. The intent of this subsection is to limit each annual individual supplemental benefit payment to no more than the increase in the consumer price index for the previous calendar year.

(c) Any amount deposited in the account, meaning the highway patrol officers' retirement pension trust fund, under subsection (4)(a) for the payment of supplemental benefits under this section that exceeds the limitation of subsection (4)(b)(iii) must be used to amortize unfunded liabilities of the account.

(5) Every 10 years following July 1, 1991, the department shall review the size of the additional fee collected under 61-3-321(5) and deposited in the account in accordance with subsection (4)(a) and recommend to each legislature following the department's review any legislation necessary to reduce the fee to the minimum amount necessary to provide the supplemental benefits provided by this section."

6. Page 8.

Following: line 5

Insert: "NEW SECTION. Section 7. Termination -- disposition of funds. (1) The provisions of [sections 1 through 6] terminate upon the death of the last recipient eligible under [section 1(2)] for the supplemental benefit provided by [section 1].

(2) Money collected for the purposes of the supplemental payment under [section 1] that remains in the account, meaning the highway patrol officers' retirement pension trust fund, upon the termination of [sections 1 through 6] must be used to amortize unfunded liabilities of the account."

Signed: Eleanor Vaughn
Eleanor Vaughn, Chairman

JA 3-27-91
Ad. Coord.
SB 3-27 1:50
Sec. of Senate

1 HOUSE BILL NO. 711

2 INTRODUCED BY CONNELLY, HARP, CLARK, J. BROWN, DAVIS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A
5 SUPPLEMENTAL HIGHWAY PATROL BENEFIT PAYMENT FOR CERTAIN
6 RETIREES RECEIVING MONTHLY BENEFITS PRIOR TO JULY 1, 1991;
7 TO PROVIDE FOR AN INCREASE IN MOTOR VEHICLE FEES; TO PROVIDE
8 A STATUTORY APPROPRIATION; AMENDING SECTION SECTIONS
9 17-7-502 AND 61-3-321, MCA; AND PROVIDING AN EFFECTIVE DATE
10 AND A TERMINATION DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. Section 1. Supplemental benefits for
14 certain retirees. A Montana highway patrol officer who
15 retires before July 1, 1991, is eligible for a supplemental
16 benefit: twenty-five cents of each motor vehicle
17 registration fee provided for in 61-3-321 must be deposited
18 in the general fund at the end of each fiscal year, and
19 total funds must be distributed by the department in a
20 lump-sum payment, beginning in September 1992 and each
21 succeeding year to eligible retirees or survivors,
22 proportionately based on years of service at the time of
23 retirement. The supplemental benefit payment is not part of
24 the minimum monthly benefit allowance provided for in
25 19-6-707 and does not increase the base payment for purposes

1 of calculating the minimum benefit: (1) IN ADDITION TO ANY
2 RETIREMENT ALLOWANCE PAYABLE UNDER THIS CHAPTER, A RETIRED
3 PATROL OFFICER OR A BENEFICIARY DETERMINED BY THE BOARD TO
4 BE ELIGIBLE UNDER SUBSECTION (2) SHALL RECEIVE AN ANNUAL
5 LUMP-SUM PAYMENT BEGINNING IN SEPTEMBER 1992 AND EACH
6 SUCCEEDING YEAR AS LONG AS HE REMAINS ELIGIBLE.

7 (2) TO BE ELIGIBLE FOR THE BENEFITS UNDER THIS SECTION,
8 A PERSON MUST BE RECEIVING A MONTHLY BENEFIT BEFORE JULY 1,
9 1991, AND MUST BE:

10 (A) A RETIRED PATROL OFFICER WHO IS 55 YEARS OF AGE OR
11 OLDER AND WHO HAS BEEN RECEIVING A SERVICE ALLOWANCE FOR AT
12 LEAST 5 YEARS PRIOR TO THE DATE OF DISTRIBUTION;

13 (B) A BENEFICIARY OF A PATROL OFFICER WHO WOULD HAVE
14 BEEN ELIGIBLE UNDER SUBSECTION (2)(A); OR

15 (C) A RECIPIENT OF A DISABILITY OR SURVIVORSHIP
16 ALLOWANCE UNDER 19-6-601 OR 19-6-603.

17 (3) A RETIRED PATROL OFFICER OTHERWISE QUALIFIED UNDER
18 THIS SECTION WHO IS EMPLOYED IN A POSITION COVERED BY A
19 RETIREMENT SYSTEM UNDER TITLE 19, CHAPTERS 3 THROUGH 13, IS
20 INELIGIBLE TO RECEIVE ANY LUMP-SUM PAYMENTS PROVIDED FOR IN
21 THIS SECTION UNTIL HIS EMPLOYMENT IN THE COVERED POSITION IS
22 TERMINATED. UPON TERMINATION OF HIS COVERED EMPLOYMENT, THE
23 OFFICER BECOMES ELIGIBLE IN THE NEXT FISCAL YEAR SUCCEEDING
24 HIS TERMINATION.

25 (4) (A) TWENTY-FIVE CENTS OF EACH MOTOR VEHICLE

1 REGISTRATION FEE PROVIDED FOR IN 61-3-321 MUST BE DEPOSITED
 2 IN THE HIGHWAY PATROL FUND AT THE END OF EACH FISCAL YEAR.
 3 THE FEE IS STATUTORILY APPROPRIATED, AS PROVIDED IN
 4 17-7-502, FOR PAYMENT OF BENEFITS TO ELIGIBLE RECIPIENTS.
 5 THE TOTAL FUNDS MUST BE DISTRIBUTED BY THE DEPARTMENT IN
 6 LUMP-SUM PAYMENTS TO ELIGIBLE RECIPIENTS ALONG WITH THEIR
 7 NORMAL RETIREMENT ALLOWANCE PAYMENT.

8 (B) THE LUMP-SUM PAYMENT MUST BE DISTRIBUTED
 9 PROPORTIONALLY TO ALL ELIGIBLE RECIPIENTS BASED ON YEARS OF
 10 SERVICE AT THE TIME OF RETIREMENT, SUBJECT TO THE FOLLOWING:

11 (I) A RECIPIENT UNDER SUBSECTION (2)(C) IS CONSIDERED
 12 TO HAVE 20 YEARS OF SERVICE FOR THE PURPOSES OF THE
 13 DISTRIBUTIONS;

14 (II) ANY RECIPIENT OF A SERVICE RETIREMENT ALLOWANCE
 15 EXCEEDING THE MAXIMUM MONTHLY ALLOWANCE UNDER 19-6-707(2)(A)
 16 MUST HAVE HIS YEARS OF SERVICE REDUCED 25% FOR THE PURPOSES
 17 OF THE DISTRIBUTIONS;

18 (III) THE MAXIMUM AMOUNT AVAILABLE FOR PAYMENT OF
 19 SUPPLEMENTAL BENEFITS UNDER THIS SECTION AFTER AUGUST 31,
 20 1993, IS LIMITED TO AN AMOUNT THAT WILL PROVIDE A PERCENTAGE
 21 INCREASE IN THE AVERAGE SUPPLEMENTAL BENEFIT OF ALL ELIGIBLE
 22 MEMBERS THAT IS EQUAL TO THE PERCENTAGE INCREASE FOR THE
 23 PREVIOUS CALENDAR YEAR IN THE ANNUAL AVERAGE CONSUMER PRICE
 24 INDEX FOR URBAN WAGE EARNERS AND WORKERS, COMPILED BY THE
 25 BUREAU OF LABOR STATISTICS OF THE UNITED STATES DEPARTMENT

1 OF LABOR OR ITS SUCCESSOR AGENCY. THE INTENT OF THIS
 2 SUBSECTION IS TO LIMIT EACH ANNUAL INDIVIDUAL SUPPLEMENTAL
 3 BENEFIT PAYMENT TO NO MORE THAN THE INCREASE IN THE CONSUMER
 4 PRICE INDEX FOR THE PREVIOUS CALENDAR YEAR.

5 (C) ANY AMOUNT DEPOSITED IN THE ACCOUNT, MEANING THE
 6 HIGHWAY PATROL OFFICERS' RETIREMENT PENSION TRUST FUND,
 7 UNDER SUBSECTION (4)(A) FOR THE PAYMENT OF SUPPLEMENTAL
 8 BENEFITS UNDER THIS SECTION THAT EXCEEDS THE LIMITATION OF
 9 SUBSECTION (4)(B)(III) MUST BE USED TO AMORTIZE UNFUNDED
 10 LIABILITIES OF THE ACCOUNT.

11 (5) EVERY 10 YEARS FOLLOWING JULY 1, 1991, THE
 12 DEPARTMENT SHALL REVIEW THE SIZE OF THE ADDITIONAL FEE
 13 COLLECTED UNDER 61-3-321(5) AND DEPOSITED IN THE ACCOUNT IN
 14 ACCORDANCE WITH SUBSECTION (4)(A) AND RECOMMEND TO EACH
 15 LEGISLATURE FOLLOWING THE DEPARTMENT'S REVIEW ANY
 16 LEGISLATION NECESSARY TO REDUCE THE FEE TO THE MINIMUM
 17 AMOUNT NECESSARY TO PROVIDE THE SUPPLEMENTAL BENEFITS
 18 PROVIDED BY THIS SECTION.

19 **SECTION 2. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

20 **"17-7-502. Statutory appropriations -- definition --**
 21 **requisites for validity. (1) A statutory appropriation is an**
 22 **appropriation made by permanent law that authorizes spending**
 23 **by a state agency without the need for a biennial**
 24 **legislative appropriation or budget amendment.**

25 **(2) Except as provided in subsection (4), to be**

1 effective, a statutory appropriation must comply with both
2 of the following provisions:

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

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

8 (3) The following laws are the only laws containing
9 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
10 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
11 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
12 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
13 17-5-424; 17-5-804; [section 1]; 19-8-504; 19-9-702;
14 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
15 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406;
16 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
17 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504;
18 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205;
19 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103;
20 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
21 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
22 of 1985.

23 (4) There is a statutory appropriation to pay the
24 principal, interest, premiums, and costs of issuing, paying,
25 and securing all bonds, notes, or other obligations, as due,

1 that have been authorized and issued pursuant to the laws of
2 Montana. Agencies that have entered into agreements
3 authorized by the laws of Montana to pay the state
4 treasurer, for deposit in accordance with 17-2-101 through
5 17-2-107, as determined by the state treasurer, an amount
6 sufficient to pay the principal and interest as due on the
7 bonds or notes have statutory appropriation authority for
8 such payments. (In subsection (3), pursuant to sec. 10, Ch.
9 664, L. 1987, the inclusion of 39-71-2504 terminates June
10 30, 1991.)"

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

12 **"61-3-321. Registration fees of vehicles --**
13 **public-owned vehicles exempt from license or registration**
14 **fees -- disposition of fees.** (1) Registration or license
15 fees must be paid upon registration or reregistration of
16 motor vehicles, trailers, housetrailers, and semitrailers,
17 in accordance with this chapter, as follows:

18 (a) motor vehicles weighing 2,850 pounds or under
19 (other than motortrucks), \$5;

20 (b) motor vehicles weighing over 2,850 pounds (other
21 than motortrucks), \$10;

22 (c) electrically driven passenger vehicles, \$10;

23 (d) all motorcycles and quadricycles, \$2;

24 (e) tractors and/or trucks, \$10;

25 (f) buses are classed as motortrucks and licensed

1 accordingly;

2 (g) trailers and semitrailers less than 2,500 pounds
3 maximum gross loaded weight and housetrailers of all
4 weights, \$2;

5 (h) trailers and semitrailers over 2,500 up to 6,000
6 pounds maximum gross loaded weight (except housetrailers),
7 \$5;

8 (i) trailers and semitrailers over 6,000 pounds maximum
9 gross loaded weight, \$10;

10 (j) trailers used exclusively in the transportation of
11 logs in the forest or in the transportation of oil and gas
12 well machinery, road machinery, or bridge materials, new and
13 secondhand, \$15 annually, regardless of size or capacity.

14 (2) All rates are 25% higher for motor vehicles,
15 trailers, and semitrailers not equipped with pneumatic
16 tires.

17 (3) "Tractor", as specified in this section, means any
18 motor vehicle, except passenger cars, used for towing a
19 trailer or semitrailer.

20 (4) If any motor vehicle, housetrailer, trailer, or
21 semitrailer is originally registered 6 months after the time
22 of registration as set by law, the registration or license
23 fee for the remainder of the year is one-half of the regular
24 fee.

25 (5) An additional fee of ~~\$5~~²⁵ \$5.50 per year for each

1 registration of a vehicle must be collected as a
2 registration fee. Revenue from this fee must be forwarded by
3 the respective county treasurers to the state treasurer for
4 deposit in the general fund. The department of justice shall
5 distribute 25 cents from each fee collected to the highway
6 patrol retirement fund. In addition, the department shall
7 distribute 25 cents from the motor vehicle registration fee
8 for payment of supplemental benefits provided for in
9 [section 1].

10 (6) A fee of \$2 for each set of new number plates must
11 be collected when number plates provided for under
12 61-3-332(3) are issued. Revenue from this fee must be
13 deposited as provided in subsection (5).

14 (7) The provisions of this part with respect to the
15 payment of registration fees do not apply to and are not
16 binding upon motor vehicles, trailers or semitrailers, or
17 tractors owned or controlled by the United States of America
18 or any state, county, or city.

19 (8) The provisions of this section relating to the
20 payment of registration fees or new number plate fees do not
21 apply when number plates are transferred to a replacement
22 vehicle under 61-3-317, 61-3-332, or 61-3-335."

23 NEW SECTION. Section 4. Codification instruction.
24 [Section 1] is intended to be codified as an integral part
25 of Title 19, chapter 6, part 7, and the provisions of Title

1 19, chapter 6, part 7, apply to [section 1].

2 NEW SECTION. Section 5. Coordination instruction. If
3 Senate Bill No. 192 is passed and approved, the motor
4 vehicle registration fee is ~~\$4-25~~ \$5.25, and 25 cents must
5 be distributed to fund the supplemental benefits provided
6 for in [section 1].

7 NEW SECTION. Section 6. Effective date. [This act] is
8 effective July 1, 1991.

9 NEW SECTION. SECTION 7. TERMINATION -- DISPOSITION OF
10 FUNDS. (1) THE PROVISIONS OF [SECTIONS 1 THROUGH 6]
11 TERMINATE UPON THE DEATH OF THE LAST RECIPIENT ELIGIBLE
12 UNDER [SECTION 1(2)] FOR THE SUPPLEMENTAL BENEFIT PROVIDED
13 BY [SECTION 1].

14 (2) MONEY COLLECTED FOR THE PURPOSES OF THE
15 SUPPLEMENTAL PAYMENT UNDER [SECTION 1] THAT REMAINS IN THE
16 ACCOUNT, MEANING THE HIGHWAY PATROL OFFICERS' RETIREMENT
17 PENSION TRUST FUND, UPON THE TERMINATION OF [SECTIONS 1
18 THROUGH 6] MUST BE USED TO AMORTIZE UNFUNDED LIABILITIES OF
19 THE ACCOUNT.

-End-