

1 H BILL NO. 527
 2 INTRODUCED BY Felix Ramirez, Peter Holmes, Frater
Hamberger

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ADDITIONAL
 5 \$10 FEE TO BE CHARGED AT THE TIME A MOTOR VEHICLE IS
 6 REGISTERED; CHANGING THE MANNER OF DISTRIBUTING THE NET
 7 LICENSE FEES ON MOTOR VEHICLES SO THAT 100% OF THE FEES
 8 COLLECTED FROM OWNERS RESIDING IN A CITY RETURN TO THE CITY
 9 ROAD FUND; CHANGING THE ALLOWABLE USES OF CITY ROAD FUND
 10 MONEYS; AMENDING SECTIONS 32-3702, 32-3703, AND 53-122,
 11 R.C.M. 1947."

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

14 Section 1. Section 32-3702, R.C.M. 1947, is amended to
 15 read as follows:

16 "32-3702. Population centers -- city road fund --
 17 county road fund. (1) The county treasurer shall segregate
 18 from the county motor vehicle fund, and designate as the
 19 "city road fund" ~~forty-percent (40%)~~ 100% of the net license
 20 fees derived from the registration of motor vehicles whose
 21 owners reside within the limits of any incorporated city or
 22 town.

23 (2) The balance of the county motor vehicle fund
 24 remaining after segregation of the city road fund shall be
 25 transferred to the "county road fund".

1 Section 2. Section 32-3703, R.C.M. 1947, is amended to
 2 read as follows:

3 "32-3703. Population centers -- use of city road fund.

4 (1) At the end of each month, the county treasurer shall pay
 5 to the appropriate city treasurer the fees held in the city
 6 road fund.

7 (2) The city treasurer shall hold the fees so paid in
 8 a separate "city road fund," which shall be used by the city
 9 council only for the construction, ~~repair and maintenance~~
 10 and reconstruction of permanent highways and streets within
 11 the corporate limits."

12 Section 3. Section 53-122, R.C.M. 1947, is amended to
 13 read as follows:

14 "53-122. Registration fees of motor vehicles--
 15 registration and transfer thereof--public owned vehicles
 16 exempt from license or registration fees--license or
 17 registration fees for trailers, house trailers, semitrailers
 18 and tractors providing for disposition of all fees.
 19 Registration or license fees shall be paid upon registration
 20 or reregistration of motor vehicles, trailers, house
 21 trailers, semitrailers and dealers in motor vehicles or
 22 trailers in accordance with this act, as follows:

23 All dealers in motor vehicles, a fee of thirty dollars
 24 (\$30.00); which shall entitle such dealer to two (2) sets of
 25 number plates, and five dollars (\$5.00) additional fee for

1 each additional set of number plates up to six (6) sets, and
 2 two dollars (\$2.00) additional fee for each additional set
 3 of number plates, as may be applied for;

4 Dealers in motorcycles, trailers including house
 5 trailers, thirty dollars (\$30);

6 Motor vehicles, weighing twenty-eight hundred and fifty
 7 (2850) pounds, or under, other than motor trucks, five
 8 dollars (\$5.00);

9 Motor vehicles, weighing over twenty-eight hundred and
 10 fifty (2850) pounds, other than motor trucks ten dollars
 11 (\$10.00);

12 Electrically driven passenger vehicles, ten dollars
 13 (\$10.00);

14 All motorcycles, two dollars (\$2.00);

15 Tractors and/or trucks, ten dollars (\$10.00);

16 Buses shall be classed as motor trucks and licensed
 17 accordingly;

18 Trailers and semitrailers less than two thousand five
 19 hundred (2,500) pounds maximum gross loaded weight and house
 20 trailers of all weights, two dollars (\$2.00);

21 Trailers and semitrailers over two thousand five
 22 hundred (2,500) up to six thousand (6,000) pounds maximum
 23 gross loaded weight, except house trailers, five dollars
 24 (\$5.00);

25 Trailers and semitrailers over six thousand (6,000)

1 pounds maximum gross loaded weight, ten dollars (\$10.00);

2 Trailers used exclusively in the transportation of logs
 3 in the forest or in the transportation of oil and gas well
 4 machinery, road machinery and bridge material exclusively,
 5 new and secondhand, and trailers used exclusively for the
 6 transportation of road machinery and bridge materials, shall
 7 pay a fee of fifteen dollars (\$15.00) annually, regardless
 8 of size or capacity.

9 All rates to be twenty-five per cent (25%) higher for
 10 motor vehicles, trailers and semitrailers, when not equipped
 11 with pneumatic tires.

12 Bicycles with motor attachment, one dollar (\$1.00);

13 Tractors, as specified in this section, shall mean any
 14 motor vehicle, except passenger cars used for towing a
 15 trailer or semitrailer.

16 If any dealer, or motor vehicle, house trailer,
 17 trailer, or semitrailer is originally registered six (6)
 18 months after the time of registration as set by law, the
 19 registration or license fee for the remainder of such year
 20 shall be one-half (1/2) of the regular fee above given.

21 In addition to the fees provided above, a fee of \$10
 22 shall be collected at the time a motor vehicle is registered
 23 to be distributed as provided in 32-3702.

24 A dealer in motor vehicles or trailers who shall
 25 maintain more than one (1) place of business or who shall

1 maintain any branch establishment or establishments, must
 2 register and pay a registration or license fee for each such
 3 place of business or establishment.

4 A registered dealer, who may sell or dispose of his
 5 entire business to any other person, may have his
 6 certificate of registration transferred to such purchaser
 7 upon filing with the registrar of motor vehicles a statement
 8 containing the name of the registered dealer, the number
 9 under which such dealer is registered, the name of the
 10 purchaser, and the location of the place of business so
 11 sold. Upon the filing of such statement, accompanied by a
 12 filing fee of two dollars (\$2.00), the registrar of motor
 13 vehicles shall note upon the registration record of such
 14 dealer the change of ownership. But no certificate of
 15 registration can be transferred unless the entire business
 16 of the dealer holding such certificate of registration be
 17 sold and disposed of, and no such certificate of
 18 registration can be transferred to any person other than the
 19 purchasers of such business.

20 The provisions of this act with respect to the payment
 21 of registration fees shall not apply to or be binding upon
 22 motor vehicles, trailers or semitrailers or tractors owned
 23 or controlled by the United States of America or any state,
 24 county or city, but in all other respects the provisions of
 25 this act shall be applicable to and binding upon motor

1 vehicles, tractors, trailers, and semitrailers.

2 All fees, other than license fees, unless otherwise
 3 specifically provided, shall hereafter be deposited in, and
 4 paid into, the earmarked revenue fund and shall be used to
 5 pay all salaries, operating expenses, and all other expenses
 6 of the department of the registrar of motor vehicles,
 7 including the manufacturer and delivery of license plates.
 8 Any reference in this code to the motor vehicle recording
 9 fund or the motor vehicle administration fund shall be taken
 10 to mean the motor vehicle recording account in the earmarked
 11 revenue fund."

-End-

STATE OF MONTANA

REQUEST NO. 275-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 28, 19 77, there is hereby submitted a Fiscal Note for House Bill 527 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing an additional \$10 fee to be charged at the time a motor vehicle is registered; changing the manner of distributing net license fees on motor vehicles so that 100% of the fees collected from owners residing in a city return to the city road fund moneys.

ASSUMPTIONS:

1. "Motor Vehicle" includes automobiles, trucks, trailers and motorcycles.
2. The additional \$10 fee is to be collected upon registration or reregistration of all motor vehicles.
3. Annual motor vehicle registrations will increase at 4.8% a year.

FISCAL IMPACT - LOCAL GOVERNMENT:

| | <u>FY 78</u> | <u>FY 79</u> |
|---|--------------------|--------------------|
| Fee collections under current law: | | |
| Automobiles | \$4,401,531 | \$4,621,280 |
| Trucks | 2,703,490 | 2,833,260 |
| Trailers | 103,310 | 108,270 |
| Motorcycles | <u>62,788</u> | <u>65,802</u> |
| Total fee collections under current law | <u>7,271,119</u> | <u>7,628,612</u> |
| Fee collections under proposed law: | | |
| Automobiles | 8,803,062 | 9,242,560 |
| Trucks | 5,406,980 | 5,666,520 |
| Trailers | 619,860 | 649,620 |
| Motorcycles | <u>376,728</u> | <u>394,812</u> |
| Total fee collections under proposed law | <u>15,206,630</u> | <u>15,953,512</u> |
| Increase in fee collections due to proposed legislation | <u>\$7,935,511</u> | <u>\$8,324,900</u> |

Richard L. Dingler
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-2-77

Approved by Committee
on Taxation

HOUSE BILL NO. 527

INTRODUCED BY FAGG, RAMIREZ,

HOLMES, HUENNEKENS, FRATES, GERKE, PORTER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN ADDITIONAL \$10 FEE TO MAY BE CHARGED AT THE TIME A MOTOR VEHICLE IS REGISTERED; ~~CHANGING THE MANNER OF DISTRIBUTING THE NET LICENSE FEES ON MOTOR VEHICLES SO THAT 100% OF THE FEES COLLECTED FROM OWNERS RESIDING IN A CITY RETURN TO THE CITY ROAD FUND; CHANGING THE ALLOWABLE USES OF CITY ROAD FUND MONIES; AMENDING SECTIONS 32-3702, 32-3703, AND 53-122, R.C.M. 1947, AND USED FOR THE CONSTRUCTION AND RECONSTRUCTION OF CITY STREETS AND HIGHWAYS; AMENDING SECTION 53-122, R.C.M. 1947."~~

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

~~Section 1. Section 32-3702, R.C.M. 1947, is amended to read as follows:~~

~~"32-3702. Population centers ---- city road fund ---- county road funds -- (1) the county treasurer shall segregate from the county motor vehicle fund and designate as the "city road fund" fifty percent (50%) 100% of the net license fees derived from the registration of motor vehicles whose owners reside within the limits of any incorporated city or town"~~

~~(2) The balance of the county motor vehicle fund remaining after segregation of the city road fund shall be transferred to the "county road fund."~~

~~Section 2. Section 32-3703, R.C.M. 1947, is amended to read as follows:~~

~~"32-3703. Population centers ---- use of city road fund,~~

~~(1) At the end of each month, the county treasurer shall pay to the appropriate city treasurer the fees held in the city road fund.~~

~~(2) The city treasurer shall hold the fees so paid in a separate "city road fund," which shall be used by the city council only for the construction, repair, and maintenance and reconstruction of permanent highways and streets within the corporate limits."~~

SECTION 1. THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

Special construction fee. The county treasurer shall segregate from the county road fund all special construction fees collected in accordance with [section 3] of this act and transmit them to the appropriate official the city in which the fee is authorized.

SECTION 2. THERE IS A NEW R.C.M. SECTION THAT READS AS FOLLOWS:

Use of special construction fee. The city treasurer shall deposit all special construction fees in a separate

1 city fund for use in the construction and reconstruction of
 2 permanent highways and streets within the city's corporate
 3 limits.

4 Section 3. Section 53-122, R.C.M. 1947, is amended to
 5 read as follows:

6 "53-122. Registration fees of motor vehicles —
 7 registration and transfer thereof — public owned vehicles
 8 exempt from license or registration fees — license or
 9 registration fees for trailers, house trailers, semitrailers
 10 and tractors providing for disposition of all fees.
 11 Registration or license fees shall be paid upon registration
 12 or reregistration of motor vehicles, trailers, house
 13 trailers, semitrailers and dealers in motor vehicles or
 14 trailers in accordance with this act, as follows:

15 All dealers in motor vehicles, a fee of thirty dollars
 16 (\$30.00): which shall entitle such dealer to two (2) sets of
 17 number plates, and five dollars (\$5.00) additional fee for
 18 each additional set of number plates up to six (6) sets, and
 19 two dollars (\$2.00) additional fee for each additional set
 20 of number plates, as may be applied for;

21 Dealers in motorcycles, trailers including house
 22 trailers, thirty dollars (\$30);

23 Motor vehicles, weighing twenty-eight hundred and fifty
 24 (2850) pounds, or under, other than motor trucks, five
 25 dollars (\$5.00);

1 Motor vehicles, weighing over twenty-eight hundred and
 2 fifty (2850) pounds, other than motor trucks ten dollars
 3 (\$10.00);

4 Electrically driven passenger vehicles, ten dollars
 5 (\$10.00);

6 All motorcycles, two dollars (\$2.00);

7 Tractors and/or trucks, ten dollars (\$10.00);

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 9 accordingly;

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 11 hundred (2,500) pounds maximum gross loaded weight and house
 12 trailers of all weights, two dollars (\$2.00);

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 14 hundred (2,500) up to six thousand (6,000) pounds maximum
 15 gross loaded weight, except house trailers, five dollars
 16 (\$5.00);

17 Trailers and semitrailers over six thousand (6,000)
 18 pounds maximum gross loaded weight, ten dollars (\$10.00);

19 Trailers used exclusively in the transportation of logs
 20 in the forest or in the transportation of oil and gas well
 21 machinery, road machinery and bridge material exclusively,
 22 new and secondhand, and trailers used exclusively for the
 23 transportation of road machinery and bridge materials, shall
 24 pay a fee of fifteen dollars (\$15.00) annually, regardless
 25 of size or capacity.

1 All rates to be twenty-five per cent (25%) higher for
 2 motor vehicles, trailers and semitrailers, when not equipped
 3 with pneumatic tires.

4 Bicycles with motor attachment, one dollar (\$1.00);

5 Tractors, as specified in this section, shall mean any
 6 motor vehicle, except passenger cars used for towing a
 7 trailer or semitrailer.

8 If any dealer, or motor vehicle, house trailer,
 9 trailer, or semitrailer is originally registered six (6)
 10 months after the time of registration as set by law, the
 11 registration or license fee for the remainder of such year
 12 shall be one-half (1/2) of the regular fee above given.

13 In addition to the fees provided above, a fee of \$10
 14 shall be collected A CITY'S GOVERNING BODY MAY IMPOSE A
 15 SPECIAL CONSTRUCTION FEE OF \$10 FOR A SPECIFIED NUMBER OF
 16 YEARS at the time a motor vehicle is registered to be
 17 distributed as provided in 22-3702 OWNED BY A RESIDENT OF
 18 THE CITY IS REGISTERED.

19 A dealer in motor vehicles or trailers who shall
 20 maintain more than one (1) place of business or who shall
 21 maintain any branch establishment or establishments, must
 22 register and pay a registration or license fee for each such
 23 place of business or establishment.

24 A registered dealer, who may sell or dispose of his
 25 entire business to any other person, may have his

1 certificate of registration transferred to such purchaser
 2 upon filing with the registrar of motor vehicles a statement
 3 containing the name of the registered dealer, the number
 4 under which such dealer is registered, the name of the
 5 purchaser, and the location of the place of business so
 6 sold. Upon the filing of such statement, accompanied by a
 7 filing fee of two dollars (\$2.00), the registrar of motor
 8 vehicles shall note upon the registration record of such
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 12 sold and disposed of, and no such certificate of
 13 registration can be transferred to any person other than the
 14 purchasers of such business.

15 The provisions of this act with respect to the payment
 16 of registration fees shall not apply to or be binding upon
 17 motor vehicles, trailers or semitrailers or tractors owned
 18 or controlled by the United States of America or any state,
 19 county or city, but in all other respects the provisions of
 20 this act shall be applicable to and binding upon motor
 21 vehicles, tractors, trailers, and semitrailers.

22 All fees, other than license fees, unless otherwise
 23 specifically provided, shall hereafter be deposited in, and
 24 paid into, the earmarked revenue fund and shall be used to
 25 pay all salaries, operating expenses, and all other expenses

1 of the department of the registrar of motor vehicles,
2 including the manufacturer and delivery of license plates.
3 Any reference in this code to the motor vehicle recording
4 fund or the motor vehicle administration fund shall be taken
5 to mean the motor vehicle recording account in the earmarked
6 revenue fund."

7 SECTION 4. THERE IS A NEW R.C.M. SECTION THAT READS AS
8 FOLLOWS:

9 Imposition of special construction fee -- hearing --
10 referendum. Before levying this fee, a city's governing body
11 shall publish notice of its intent at least once a week for
12 two successive weeks in a newspaper of general circulation
13 and hold a public hearing concerning imposition of the fee.
14 The qualified electors of the city may overturn a governing
15 body's decision by a referendum as provided in Title 37,
16 chapter 3.

-End-

HOUSE BILL NO. 527

INTRODUCED BY FAGG, RAMIREZ,

HOLMES, HUENNEKENS, PRATES, GERKE, PORTER

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~~32-3702. Population centers — city road fund — county road fund. (1) The county treasurer shall segregate from the county motor vehicle fund, and designate as the "city road fund" fifty percent (50%) 100% of the net license fees derived from the registration of motor vehicles whose owners reside within the limits of any incorporated city or town.~~

~~(2) The balance of the county motor vehicle fund remaining after segregation of the city road fund shall be transferred to the "county road fund."~~

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~~32-3703. Population centers — use of city road fund. (1) At the end of each month, the county treasurer shall pay to the appropriate city treasurer the fees held in the city road fund.~~

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Special construction fee. The county treasurer shall segregate from the county road fund all special construction fees collected in accordance with [section 3] of this act and transmit them to the appropriate official the city in which the fee is authorized.

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Use of special construction fee. The city treasurer shall deposit all special construction fees in a separate

1 city fund for use in the construction and reconstruction of
 2 permanent highways and streets within the city's corporate
 3 limits.

4 Section 3. Section 53-122, R.C.M. 1947, is amended to
 5 read as follows:

6 "53-122. Registration fees of motor vehicles —
 7 registration and transfer thereof — public owned vehicles
 8 exempt from license or registration fees — license or
 9 registration fees for trailers, house trailers, semitrailers
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 13 trailers, semitrailers and dealers in motor vehicles or
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 16 (\$30.00): which shall entitle such dealer to two (2) sets of
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 18 each additional set of number plates up to six (6) sets, and
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 20 of number plates, as may be applied for;

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 22 trailers, thirty dollars (\$30);

23 Motor vehicles, weighing twenty-eight hundred and fifty
 24 (2850) pounds, or under, other than motor trucks, five
 25 dollars (\$5.00);

1 Motor vehicles, weighing over twenty-eight hundred and
 2 fifty (2850) pounds, other than motor trucks ten dollars
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 18 pounds maximum gross loaded weight, ten dollars (\$10.00);

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 20 in the forest or in the transportation of oil and gas well
 21 machinery, road machinery and bridge material exclusively,
 22 new and secondhand, and trailers used exclusively for the
 23 transportation of road machinery and bridge materials, shall
 24 pay a fee of fifteen dollars (\$15.00) annually, regardless
 25 of size or capacity.

1 All rates to be twenty-five per cent (25%) higher for
 2 motor vehicles, trailers and semitrailers, when not equipped
 3 with pneumatic tires.

4 Bicycles with motor attachment, one dollar (\$1.00);

5 Tractors, as specified in this section, shall mean any
 6 motor vehicle, except passenger cars used for towing a
 7 trailer or semitrailer.

8 If any dealer, or motor vehicle, house trailer,
 9 trailer, or semitrailer is originally registered six (6)
 10 months after the time of registration as set by law, the
 11 registration or license fee for the remainder of such year
 12 shall be one-half (1/2) of the regular fee above given.

13 ~~In addition to the fees provided above, a fee of \$10~~
 14 ~~shall be collected. A CITY'S GOVERNING BODY MAY IMPOSE A~~
 15 ~~SPECIAL CONSTRUCTION FEE OF \$10 FOR A SPECIFIED NUMBER OF~~
 16 ~~YEARS at the time a motor vehicle is registered to be~~
 17 ~~distributed as provided in 32-3702 OWNED BY A RESIDENT OF~~
 18 ~~THE CITY IS REGISTERED.~~

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 20 maintain more than one (1) place of business or who shall
 21 maintain any branch establishment or establishments, must
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 25 entire business to any other person, may have his

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 3 containing the name of the registered dealer, the number
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 5 purchaser, and the location of the place of business so
 6 sold. Upon the filing of such statement, accompanied by a
 7 filing fee of two dollars (\$2.00), the registrar of motor
 8 vehicles shall note upon the registration record of such
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 10 registration can be transferred unless the entire business
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 18 or controlled by the United States of America or any state,
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 20 this act shall be applicable to and binding upon motor
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4 fund or the motor vehicle administration fund shall be taken
5 to mean the motor vehicle recording account in the earmarked
6 revenue fund."

7 SECTION 4. THERE IS A NEW R.C.M. SECTION THAT READS AS
8 FOLLOWS:

9 Imposition of special construction fee -- hearing --
10 referendum. Before levying ~~this~~ A SPECIAL CONSTRUCTION fee,
11 a city's governing body shall publish notice of its intent
12 at least once a week for two successive weeks in a newspaper
13 of general circulation and hold a public hearing concerning
14 imposition of the fee. The qualified electors of the city
15 may overturn a governing body's decision by a referendum as
16 provided in ~~Title 37, chapter 3~~ 11-1104 THROUGH 11-1114.

-End-

April 5, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Taxation

That House Bill No. 527, third reading, be amended as follows:

1. Amend page 5, section 3, line 15.

Following: "\$10"

Insert: "per year"

2. Amend page 7, line 16.

Following: line 16

Insert: "Section 5. There is a new R.C.M. section that reads as follows:

"Construction. This act may not be construed as a limitation upon the taxing authority of a local government exercising self-government powers under Chapter 2, Title 47A."