

HOUSE BILL NO. 477

INTRODUCED BY GRADY, MARKS, THOMAS, O'KEEFE,
BECK, CAMPBELL, HARPER, DEMARS, MOORE, RAMIREZ,
BACHINI, HOFMAN, J. BROWN, IVERSON, DEVLIN,
ANDERSON, SCHYE, WEEDING, RAPP-SVRCEK, JENKINS,
SWYSGOOD, HANSON, ELLIOTT, TVEIT, SEVERSON

IN THE HOUSE

JANUARY 27, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION.
JANUARY 28, 1989	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. PRINTING REPORT.
FEBRUARY 18, 1989	SECOND READING, DO PASS.
FEBRUARY 20, 1989	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 68; NOES, 28. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON AGRICULTURE, LIVESTOCK & IRRIGATION. FIRST READING.
MARCH 18, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 20, 1989	PASS CONSIDERATION.
MARCH 21, 1989	SECOND READING, CONCURRED IN.
MARCH 23, 1989	THIRD READING, CONCURRED IN. AYES, 38; NOES, 11.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 23, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *477*
 2 INTRODUCED BY *Donahy Marks Shanley Bask*
 3 *Conkle* *Hayes* *DePam* *Moe* *Ramirez* *Wachner*
 4 *Hefner* *J. Brown* *Jensen* *Shirley* *Anderson* *Dehyle*
 5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE FUNDING
 6 FOR THE NOXIOUS WEED MANAGEMENT TRUST FUND; ADDING \$1 TO THE
 7 FEE IN LIEU OF TAX ON OFF-HIGHWAY VEHICLES FOR THE NOXIOUS
 8 WEED MANAGEMENT TRUST FUND; INCREASING THE WEED CONTROL FEE
 9 ON MOTOR VEHICLES; AMENDING SECTIONS 23-2-803 AND 61-3-510,
 MCA; AND PROVIDING AN EFFECTIVE DATE." *Treit Severson*

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

12 **Section 1.** Section 23-2-803, MCA, is amended to read:

13 **"23-2-803. Fee in lieu of tax on off-highway vehicles**
 14 **-- disposition of fees.** (1) There is a fee in lieu of tax on
 15 off-highway vehicles to be paid to the county treasurer of
 16 the county in which the owner of the off-highway vehicle
 17 resides.

18 (a) The fee for an off-highway vehicle less than 3
 19 years old is \$25 ~~\$26~~. In all other cases the fee is \$15 ~~\$16~~.

20 (b) The age of an off-highway vehicle is determined by
 21 subtracting the manufacturer's designated model year from
 22 the current calendar year.

23 (2) (a) ~~The~~ Except as provided in subsection (2)(b),
 24 the county treasurer shall distribute all fees in lieu of
 25 tax collected on off-highway vehicles pursuant to this

1 section in the relative proportions required by the levies
 2 for state, county, school district, and municipal purposes
 3 in the same manner as personal property taxes are
 4 distributed.

5 (b) The county treasurer shall remit \$1 of the fee in
 6 lieu of tax collected on an off-highway vehicle to the
 7 department of agriculture for deposit in the noxious weed
 8 management trust fund provided for in 80-7-811."

9 **Section 2.** Section 61-3-510, MCA, is amended to read:

10 **"61-3-510. Weed control fee.** (1) A special weed
 11 control fee of 50-cents ~~\$1.50~~ must be assessed on the annual
 12 registration or reregistration of each motor vehicle subject
 13 to registration. The fee must be collected by the county
 14 treasurer.

15 (2) For purposes of this section, motor vehicle
 16 includes:

- 17 (a) motor vehicle as defined in 61-1-102;
- 18 (b) motorcycle as defined in 61-1-105;
- 19 (c) motor-driven cycle as defined in 61-1-106; and
- 20 (d) quadricycle as defined in 61-1-133.

21 (3) The following vehicles are exempt from the fee:

- 22 (a) vehicles owned or controlled by the United States
- 23 or a state, county, or city;
- 24 (b) vehicles exempt from payment of registration fees
- 25 by 61-3-321(7); and

LC 1561/01

1 (c) vehicles or equipment which is not self-propelled
2 or which requires towing when moved upon a highway of this
3 state."

4 NEW SECTION. **Section 3.** Effective date. [This act] is
5 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB477, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB477 would add \$1.00 to the fee in lieu of tax on off-highway vehicles for deposit to the noxious weed management trust and add \$1.00 to the weed control annual fee on motor vehicles subject to registration.

ASSUMPTIONS:

1. There are 8,500 off-highway vehicles and the \$1 fee will generate \$8,500 annually for the noxious weed management trust fund.
2. There are 792,268 motor vehicles subject to registration and the \$1 fee increase will generate \$792,268 annually for distribution pursuant to 80-7-810, MCA, as follows: 3% or \$23,768 retained by county treasurers for collection costs; 25% of the remainder or \$192,125 for research and development of nonchemical methods of weed control; and the \$576,375 balance remaining for program administrative expenses and grants pursuant to 80-7-814 (2) and (3).
3. Since the average grant is \$14,000, assume there will be approximately 41 additional grants per year.
4. Assume the executive budget modified request recommended for administrative assistance in the Noxious Weed Control Program will be approved to ensure capability of handling the increased workload.

FISCAL IMPACT:

<u>Expenditures:</u>	<u>FY90</u>			<u>FY91</u>		
	Current	Proposed		Current	Proposed	
	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
Dept. of Agriculture						
Local Assistance/Grants	\$380,000	\$1,140,000	\$760,000	\$380,000	\$1,140,000	\$760,000
<u>Funding:</u>						
State Special Revenue	\$380,000	\$1,140,000	\$760,000	\$380,000	\$1,140,000	\$760,000
<u>Revenue:</u>						
Vehicle Weed Fee	\$380,000	\$1,140,000	\$760,000	\$380,000	\$1,140,000	\$760,000
Off-Highway Vehicle Fee--	-0-	8,500	8,500	-0-	8,500	8,500
To Weed Trust Fund						

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

The proposed law will increase revenue for the counties by about \$23,768 in treasurers offices and by at least \$570,000 for weed management programs.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The off-highway vehicle fee increase will enable the noxious weed trust fund to grow at a faster rate towards the \$2.5 million permanent trust.

Ray Shackelford

2/4/89

RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

Edward J. Grady

2/07/89

EDWARD J. GRADY, PRIMARY SPONSOR DATE

Fiscal Note for HB477, as introduced

HB 477

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE FUNDING
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FEE IN LIEU OF TAX ON OFF-HIGHWAY VEHICLES FOR THE NOXIOUS
WEED MANAGEMENT TRUST FUND; INCREASING THE WEED CONTROL FEE
ON MOTOR VEHICLES; AMENDING SECTIONS 23-2-803 AND 61-3-510,
MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 23-2-803, MCA, is amended to read:

"23-2-803. Fee in lieu of tax on off-highway vehicles
-- disposition of fees. (1) There is a fee in lieu of tax on
off-highway vehicles to be paid to the county treasurer of
the county in which the owner of the off-highway vehicle
resides.

(a) The fee for an off-highway vehicle less than 3
years old is ~~\$25~~ \$26. In all other cases the fee is ~~\$15~~ \$16.

(b) The age of an off-highway vehicle is determined by
subtracting the manufacturer's designated model year from

the current calendar year.

(2) ~~(a) The~~ Except as provided in subsection (2)(b),
the county treasurer shall distribute all fees in lieu of
tax collected on off-highway vehicles pursuant to this
section in the relative proportions required by the levies
for state, county, school district, and municipal purposes
in the same manner as personal property taxes are
distributed.

~~(b) The county treasurer shall remit \$1 of the fee in
lieu of tax collected on an off-highway vehicle to the
department of agriculture for deposit in the noxious weed
management trust fund provided for in 80-7-811."~~

Section 2. Section 61-3-510, MCA, is amended to read:

"61-3-510. Weed control fee. (1) A special weed
control fee of ~~50-cents~~ \$1.50 must be assessed on the annual
registration or reregistration of each motor vehicle subject
to registration. The fee must be collected by the county
treasurer.

(2) For purposes of this section, motor vehicle
includes:

- (a) motor vehicle as defined in 61-1-102;
 - (b) motorcycle as defined in 61-1-105;
 - (c) motor-driven cycle as defined in 61-1-106; and
 - (d) quadricycle as defined in 61-1-133.
- (3) The following vehicles are exempt from the fee:

1 (a) vehicles owned or controlled by the United States
2 or a state, county, or city;
3 (b) vehicles exempt from payment of registration fees
4 by 61-3-321(7); and
5 (c) vehicles or equipment which is not self-propelled
6 or which requires towing when moved upon a highway of this
7 state."

8 NEW SECTION. SECTION 3. COORDINATION. IF HOUSE BILL
9 NO. 477 AND HOUSE BILL NO. 165 ARE BOTH PASSED AND APPROVED,
10 THE FEE IN LIEU OF TAX PROVIDED FOR IN [SECTION 5] OF HOUSE
11 BILL NO. 165 IS INCREASED BY \$1.

12 NEW SECTION. Section 4. Effective date. [This act] is
13 effective July 1, 1989.

-End-

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(b) The age of an off-highway vehicle is determined by
subtracting the manufacturer's designated model year from

the current calendar year.

(2) (a) The Except as provided in subsection (2)(b),
the county treasurer shall distribute all fees in lieu of
tax collected on off-highway vehicles pursuant to this
section in the relative proportions required by the levies
for state, county, school district, and municipal purposes
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Section 2. Section 61-3-510, MCA, is amended to read:

"61-3-510. Weed control fee. (1) A special weed
control fee of 50-cents \$1.50 must be assessed on the annual
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to registration. The fee must be collected by the county
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HB 0477/02

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8 NEW SECTION. SECTION 3. COORDINATION. IF HOUSE BILL
9 NO. 477 AND HOUSE BILL NO. 165 ARE BOTH PASSED AND APPROVED,
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