

HOUSE BILL NO. 132

INTRODUCED BY J. BRUEGGEMAN

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CERTAIN STATUTES RELATED TO THE ALLOCATION AND DISPOSITION OF THE FEE IN LIEU OF TAX ON MOTORBOATS AND RELATED TO THE BOATING ADVISORY COUNCIL; ~~REPEALING~~ EXTENDING THE TERMINATION DATE APPLICABLE TO THE ALLOCATION AND DISPOSITION OF A PERCENTAGE OF THE FEE IN LIEU OF TAX ON MOTORBOATS FOR BOATING FACILITIES; ~~REPEALING~~ EXTENDING THE TERMINATION DATE FOR THE BOATING ADVISORY COUNCIL; ~~REPEALING~~ EXTENDING THE TERMINATION DATE APPLICABLE TO THE CHANGE IN THE PENALTY FOR FAILURE TO PAY THE BOAT FEE IN LIEU OF TAX; ~~REPEALING~~ EXTENDING THE TERMINATION DATE APPLICABLE TO STATE-FUNDED AND STATE-CERTIFIED COUNTY BOATING SAFETY PROGRAMS; ~~INCREASING BY 7 PERCENT THE PORTION OF THE BOAT FEE IN LIEU OF TAX ALLOCATED TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR FUNDING ADDITIONAL WATER SAFETY EDUCATION AND ENFORCEMENT;~~ AUTHORIZING THE USE OF BOAT FEES TO BENEFIT PUBLIC BOATING FACILITIES; REMOVING A PROVISION THAT LIMITS DISBURSEMENT OF COLLECTED FEES TO THE REGION IN WHICH THE PAYOR'S BOATING ACTIVITIES OCCUR; AMENDING ~~SECTIONS 23-2-518 AND SECTION 23-2-533, MCA;~~ SECTION 6, CHAPTER 511, LAWS OF 1993, AND SECTIONS 9 AND 10, CHAPTER 476, LAWS OF 1995; AND PROVIDING AN EFFECTIVE DATE."

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

~~Section 1.~~ Section 23-2-518, MCA, is amended to read:

~~"23-2-518. (Temporary) Disposition of fees in lieu of tax. (1) Except for fees allocated under subsection (2), the county treasurer shall distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 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.~~

~~(2) The county treasurer shall allocate 20% 27% of all fees in lieu of tax collected under this~~



1 section to the motorboat account in the state special revenue fund for use by the department as provided
 2 in 23-2-533. (Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)

3 ~~-----~~ **23-2-518. (Effective July 1, 2002) Disposition of fees in lieu of tax.** The county treasurer shall
 4 distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in
 5 length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons
 6 pursuant to 23-2-516 and 23-2-517 in the relative proportions required by the levies for state, county,
 7 school district, and municipal purposes in the same manner as personal property taxes are distributed."

8

9 **Section 1.** Section 23-2-533, MCA, is amended to read:

10 **"23-2-533. (Temporary) Use of percentage of boat fees allocated to department for boat boating**
 11 **facilities, education, and enforcement -- designation of fees for regional use.** (1) At the time the fee in lieu
 12 of tax imposed under 23-2-516 is collected, the payor shall designate the fish, wildlife, and parks
 13 administrative region in which the majority of the payor's boating activities take place. Upon receipt of the
 14 fee in the motorboat account in the state special revenue fund, the department shall earmark the fee for
 15 use in the designated region.

16 ~~-----~~ (2) (a) All fees designated to the motorboat account by 23-2-518(2) must be used by the
 17 department to:

18 (i) improve, regional operate, or maintain public boating facilities under the control of the
 19 department and, in conjunction with other funds in the motorboat account, to; AND

20 (ii) cover costs associated with the boating advisory council created in 23-2-536; and

21 ~~-----~~ (iii) provide for education and enforcement of boating laws and regulations. The department may
 22 use the fees to match available federal funds to the extent possible.

23 (b) Expenditure of fees must be made after consideration of recommendations by the boating
 24 advisory council.

25 (c) THE DEPARTMENT SHALL CONDUCT A SURVEY OF THE PAYORS OF THE FEE IN LIEU OF TAX IMPOSED UNDER
 26 23-2-516 PERIODICALLY BUT AT LEAST ONCE EVERY 2 YEARS TO DETERMINE WHERE THE MAJORITY OF THE PAYORS'
 27 BOATING ACTIVITIES TAKE PLACE.

28 (2) The department may use its portion of the fees collected under 23-2-518 to match available
 29 federal funds to the extent possible. (Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)"

30

1 ~~NEW SECTION. Section 3. Repealer. Section 6, Chapter 511, Laws of 1993, and sections 9 and~~
2 ~~10, Chapter 476, Laws of 1995, are repealed.~~

3

4 SECTION 2. SECTION 6, CHAPTER 511, LAWS OF 1993, IS AMENDED TO READ:

5 "Section 6. Termination. [This act] terminates June 30, ~~1995~~ 2006."

6

7 SECTION 3. SECTION 9, CHAPTER 476, LAWS OF 1995, IS AMENDED TO READ:

8 "Section 9. Section 6, Chapter 511, Laws of 1993, is amended to read:

9 "Section 6. Termination. [This act] terminates June 30, ~~1995~~ ~~2002~~ 2006."

10

11 SECTION 4. SECTION 10, CHAPTER 476, LAWS OF 1995, IS AMENDED TO READ:

12 "Section 10. Termination. [Sections 1 and 3] terminate June 30, ~~2002~~ 2006."

13

14 NEW SECTION. Section 5. Coordination instruction. If both __Bill No.__ [LC 90] and [this act] are
15 passed and approved:

16 (1) and __Bill No.__ [LC 90] includes a revision of county funding of the motorboat account, then
17 the allocation to the department of fish, wildlife, and parks in [section 3(4)] of __Bill No.__ [LC 90] is
18 increased by \$337,500;

19 ~~(2) and __Bill No.__ [LC 90] amends 23-2-518, then [section 1 of this act] is void;~~

20 ~~(3)(2)~~ then [section ~~2~~ 1 of this act] must read as follows:

21 "23-2-533. (Temporary) Use of percentage of boat fees allocated funds for boat boating facilities,
22 education, and enforcement -- designation of fees for regional use. (1) At the time the fee in lieu of tax
23 imposed under ~~23-2-516~~ is collected, the payor shall designate the fish, wildlife, and parks administrative
24 region in which the majority of the payor's boating activities take place. Upon receipt of the fee in the
25 motorboat account in the state special revenue fund, the department shall earmark the fee for use in the
26 designated region.

27 ~~(2) All fees designated Funds allocated to the motorboat account by ~~23-2-518(2)~~ must be used~~
28 by the department to:

29 (a) improve, operate, or maintain regional boating facilities ~~under the control of the department~~
30 ~~and, in conjunction with other funds in the motorboat account, to;~~ AND

1 **(b)** cover costs associated with the boating advisory council created in 23-2-536, ~~and~~

2 ~~— (c) provide for education and enforcement of boating laws and regulations.~~

3 **(2)** The department may use the fees funds to match available federal funds to the extent possible.

4 Expenditure of fees must be made after consideration of recommendations by the boating advisory council.

5 ~~(Terminates June 30, 2002--sec. 9, Ch. 476, L. 1995.)"~~

6 ~~(4)(3)~~ then 23-2-534, MCA, is amended to read:

7 **"23-2-534. (Temporary) Funding of state recreational boating safety program -- certification of**

8 **county programs -- administration by counties.** (1) The department may in its discretion use available state

9 funds and federal matching funds to contract with counties to implement designated parts of the state

10 recreational boating safety program. If a county accepts a grant, the county shall agree to implement a

11 program that is certified by the department as fulfilling the requirements of the state recreational boating

12 safety program.

13 (2) A county may ~~designate any amount of boat fees in lieu of tax, unless otherwise allocated by~~

14 ~~23-2-518(2), or other~~ allocate funds for collection by to the department for the recreational boating safety

15 program. This money must be used by the department for contracts with counties for the recreational

16 boating safety program. ~~(Terminates June 30, 2002--sec. 10, Ch. 476, L. 1995.)"~~

17

18 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2001.

19

- END -