

HOUSE BILL NO. 111

INTRODUCED BY W. STAHL

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT IMPROVING STATE TAX ADMINISTRATION BY PROVIDING THAT 30% OF THE LODGING FACILITY USE TAX ATTRIBUTABLE TO EXPENDITURES BY STATE AGENCIES FOR IN-STATE LODGING BE DEPOSITED IN THE STATE GENERAL FUND; ELIMINATING THE REIMBURSEMENT OF LODGING FACILITY USE TAXES PAID FROM OTHER STATE FUNDS TO THE STATE GENERAL FUND; AMENDING SECTIONS 15-65-121 AND 15-65-131, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 17-2-124 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. ~~The department shall deposit 30% of the amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies in the state general~~ fund. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, ~~deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies~~ state general fund, or deposited in the heritage preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the

1 Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

2 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside
3 historical signs and historic sites;

4 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research
5 program;

6 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that
7 have both resident and nonresident use;

8 (d) 67.5% to be used directly by the department of commerce; and

9 (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional
10 nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds
11 collected statewide; and

12 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort
13 area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit
14 tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is
15 located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county,
16 resort area, or resort area district.

17 (2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for
18 funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an
19 annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit
20 tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is
21 located.

22 (3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing
23 plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation
24 may be used by the department of commerce for tourism promotion and promotion of the state as a location for
25 the production of motion pictures and television commercials."

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27 **Section 2.** Section 15-65-131, MCA, is amended to read:

28 **"15-65-131. State agencies to account for in-state lodging expenditures.** Each state agency shall
29 account for in-state lodging expenditures in a manner that will enable the department to determine total
30 expenditures for in-state lodging by state agencies in order to make ~~an allocation~~ a deposit of a portion of the tax

1 proceeds imposed by 15-65-111 to the appropriate fund or funds in the state general fund as provided in
2 15-65-121. ~~Unless prohibited under terms of original receipt of the funds used to pay the lodging facility use tax,~~
3 ~~each fund shall reimburse the state general fund for the deposit made pursuant to 15-65-121."~~

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5 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2011.

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7 NEW SECTION. **Section 4. Applicability.** [Sections 1 and 2] apply to expenditures by state agencies
8 for in-state lodging that are paid after June 30, 2011.

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