

HOUSE BILL NO. 375

INTRODUCED BY R. COOK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRANSFERS FROM THE STATE GENERAL FUND;
REDUCING TRANSFERS TO CERTAIN ACCOUNTS, ENTITIES, AND RECIPIENTS; AMENDING SECTIONS
15-1-122, 17-1-511, 77-1-108, 87-2-801, AND 87-2-803, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, a base amount of \$59,209, and the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, ~~4.48%~~ 1.332% of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as provided in 75-10-532.

(b) to the noxious weed state special revenue account provided for in 80-7-816, ~~4.50%~~ 1.35% of the motor vehicle revenue deposited in the state general fund in each fiscal year;

(c) to the department of fish, wildlife, and parks:

(i) ~~0.46%~~ 0.414% of the motor vehicle revenue deposited in the state general fund, with the applicable percentage to be:

(A) used to:

(I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;

(II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;

(III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and

(IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle

1 recreational use, 16.7% in each fiscal year; and

2 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in
3 each fiscal year;

4 (ii) ~~0.40%~~ 0.09% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with
5 50% of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through
6 23-2-618, 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the
7 amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

8 (iii) ~~0.16%~~ 0.144% of the motor vehicle revenue deposited in the state general fund in each fiscal year
9 to be deposited in the motorboat account to be used as provided in 23-2-533;

10 (d) ~~0.64%~~ 0.576% of the motor vehicle revenue deposited in the state general fund in each fiscal year,
11 with 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45%
12 to be deposited in the veterans' services account provided for in 10-2-112(1);

13 (e) ~~0.30%~~ 0.27% of the motor vehicle revenue deposited in the state general fund in each fiscal year for
14 deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities
15 transportation services account provided for in 7-14-112; and

16 (f) to the search and rescue account provided for in 10-3-801, ~~0.04%~~ 0.036% of the motor vehicle
17 revenue deposited in the state general fund in each fiscal year.

18 (3) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means
19 revenue received from:

20 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

21 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered
22 pursuant to 61-3-321 and 61-3-562;

23 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

24 (d) all money collected pursuant to 15-1-504(3).

25 (4) The amounts transferred from the general fund to the designated recipient ~~must be appropriated~~ are
26 subject to appropriation as state special revenue in the general appropriations act for the designated purposes."
27

28 **Section 2.** Section 17-1-511, MCA, is amended to read:

29 **"17-1-511. General fund transfer.** (1) By November 1, 2008, the department of revenue shall determine
30 the total amount of the tax credit claimed under 15-30-2369 through 15-30-2372 that was taken by physicians

1 practicing in rural areas for tax years 2006 and 2007 and calculate the average of those amounts. The
 2 department of revenue shall report the average amount determined under this subsection to the state treasurer.

3 ~~(2) (a) For the fiscal year beginning July 1, 2008, the state treasurer shall transfer 25% of the amount~~
 4 ~~reported under subsection (1) from the general fund to the state special revenue account created in 20-26-1501.~~
 5 ~~The transfer under this subsection (2)(a) may not occur until after the amount is reported by the department of~~
 6 ~~revenue under subsection (1).~~

7 ~~_____ (b) For the fiscal year beginning July 1, 2009, the state treasurer shall transfer 50% of the amount~~
 8 ~~reported under subsection (1) from the general fund to the state special revenue account created in 20-26-1501.~~

9 ~~_____ (c) For the fiscal year beginning July 1, 2010, the state treasurer shall transfer 75% of the amount~~
 10 ~~reported under subsection (1) from the general fund to the state special revenue account created in 20-26-1501.~~

11 ~~_____ (d) For each fiscal year beginning after June 30, 2011, the state treasurer shall transfer 400% 90% of~~
 12 ~~the amount reported under subsection (1) from the general fund to the state special revenue account created in~~
 13 ~~20-26-1501."~~

14

15 **Section 3.** Section 77-1-108, MCA, is amended to read:

16 **"77-1-108. Trust land administration account -- administrative costs -- appropriation.** (1) There is
 17 a trust land administration account in the state special revenue fund. Money in the account is available to the
 18 department by appropriation and must be used to pay the costs of administering state trust lands. This includes
 19 the cost of managing assets, including but not limited to real property and monetary assets.

20 (2) Appropriations from the account for each fiscal year may not exceed an amount equal to 25% of the
 21 distributable revenue, as defined in 77-1-101, generated in the fiscal year completed prior to the legislative
 22 session that will appropriate money for the next biennium. This excludes revenue generated by the forest
 23 improvement fee provided for in 77-5-204.

24 (3) (a) Pursuant to subsection (1), the administrative costs must be determined for each land trust. The
 25 department may adopt rules regarding the calculation of administrative costs as necessary.

26 (b) Each fiscal year, the department shall compare administrative costs for each land trust to the amount
 27 of revenue that land trust generates for the account. If the amount of revenue deposited pursuant to 77-1-109(2)
 28 exceeds the administrative costs for a specific land trust, the excess revenue must be distributed as provided in
 29 subsection (4) of this section.

30 (c) If revenue deposited from a specific land trust is insufficient to defray the administrative costs

1 associated with managing that land trust and the money held for that trust in the earnings reserve account
 2 established in 77-1-132 is also insufficient, the board may receive a general fund loan pursuant to 17-2-107 to
 3 offset the difference. A general fund loan made pursuant to this subsection (3)(c) must be repaid within 5 years
 4 and must bear interest at a rate of return equal to that earned by the board of investments' short-term investment
 5 pool during that period.

6 (4) (a) Except as provided in subsections (4)(b) and (5), up to one-third of the unreserved distributable
 7 revenue remaining in the account at the end of a fiscal year may be transferred to the earnings reserve account
 8 provided for in 77-1-132 and accounted for by trust. The remaining unreserved revenue must be transferred to
 9 each of the permanent funds in proportionate shares to each fund's contribution to the account.

10 (b) At the end of the fiscal year, unreserved funds received pursuant to 77-1-109(2)(a)(ii) and (2)(a)(iii)
 11 must be transferred to each of the permanent funds or to the appropriate trust or distributed to the beneficiary
 12 in proportionate shares to each fund's contribution to the account.

13 (5) (a) The amount of ~~\$80,000~~ \$72,000 each biennium is transferred from the state general fund to an
 14 account in the state special revenue fund. The account is statutorily appropriated, as provided in 17-7-502, to the
 15 department for the purposes of administering the land granted to the state pursuant to the Morrill Act of 1862, 7
 16 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329. Any unexpended portion of the
 17 statutory appropriation may be retained in the account and used for the administration of the Morrill Act land.

18 (b) At the end of each fiscal year, the department shall pay from the appropriation in subsection (5)(a)
 19 to the trust containing proceeds derived from land granted to the state pursuant to the Morrill Act of 1862, 7
 20 U.S.C. 301 through 308, and the Morrill Act of 1890, 7 U.S.C. 321 through 329, an amount calculated to be the
 21 cost of administering the investment of the fund derived from that trust. The payment must be based upon the
 22 percentage that the Morrill Act fund constitutes of the total fund derived from all trust lands. If the appropriation
 23 in subsection (5)(a) is insufficient to pay the calculated administrative cost, a general fund loan may be used
 24 pursuant to 17-2-107 to offset the difference."
 25

26 **Section 4.** Section 87-2-801, MCA, is amended to read:

27 **"87-2-801. Residents over sixty-two years of age -- resident or nonresident legion of valor**
 28 **members -- purple heart awardees.** (1) A resident, as defined in 87-2-102, who is 62 years of age or older is
 29 entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the
 30 department. The form of the license must be prescribed by the department.

1 (2) A resident who is 62 years of age or older is also entitled to purchase a Class A-3 deer A tag for \$10
2 and a Class A-5 elk tag for \$12.

3 (3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a legion of valor
4 member is entitled to fish with a conservation license issued by the department.

5 (4) Regardless of age, a resident, as defined in 87-2-102, who has been awarded a purple heart for
6 service in the armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys,
7 with a conservation license issued by the department.

8 (5) Regardless of age, a nonresident who has been awarded a purple heart for service in the armed
9 forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with a conservation
10 license issued by the department during expeditions arranged for the nonresident by a nonprofit organization that
11 uses fishing and hunting as part of the rehabilitation of disabled veterans.

12 (6) The department's general license account must be reimbursed by a quarterly transfer of funds from
13 the general fund to the general license account for 90% of license costs associated with the fishing and game
14 bird hunting privileges granted pursuant to subsections (4) and (5) during the preceding calendar quarter.
15 Reimbursement costs must be designated as license revenue."
16

17 **Section 5.** Section 87-2-803, MCA, is amended to read:

18 **"87-2-803. Persons with disabilities -- service members -- definitions.** (1) Persons with disabilities
19 are entitled to fish and to hunt game birds, not including turkeys, with only a conservation license if they are
20 residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental
21 rule. A person who has purchased a conservation license and a resident fishing license or game bird license for
22 a particular license year and who is subsequently certified as disabled is entitled to a refund for the fishing license
23 or game bird license previously purchased for that license year. A person who is certified as disabled pursuant
24 to subsection (3) and who was issued a permit to hunt from a vehicle for license year 2000 or a subsequent
25 license year is automatically entitled to a permit to hunt from a vehicle for subsequent license years if the criteria
26 for obtaining a permit does not change.

27 (2) A resident of Montana who is certified as disabled by the department and who is not residing in an
28 institution may purchase a Class A-3 deer A tag for \$6.50 and a Class A-5 elk tag for \$8. A person who has
29 purchased a conservation license and a resident deer license or resident elk license for a particular license year
30 and who is subsequently certified as disabled is entitled to a refund for the deer license or elk license previously

1 purchased and reissuance of the license for that license year at the rate established in this subsection.

2 (3) A person may be certified as disabled by the department and issued a permit to hunt from a vehicle,
3 on a form prescribed by the department, if the person establishes one or more of the disabilities pursuant to
4 subsection (9).

5 (4) (a) A person with a disability carrying a permit to hunt from a vehicle, referred to in this subsection
6 (4) as a permitholder, may hunt by shooting a firearm from:

7 (i) the shoulder, berm, or barrow pit right-of-way of a public highway, as defined in 61-1-101, except a
8 state or federal highway;

9 (ii) within a self-propelled or drawn vehicle that is parked on a shoulder, berm, or barrow pit right-of-way
10 in a manner that will not impede traffic or endanger motorists or that is parked in an area, not a public highway,
11 where hunting is permitted; or

12 (iii) an off-highway vehicle or snowmobile, as defined in 61-1-101, in any area where hunting is permitted
13 and that is open to motorized use, unless otherwise prohibited by law, as long as the off-highway vehicle or
14 snowmobile is marked as described in subsection (4)(d) of this section.

15 (b) This subsection (4) does not allow a permitholder to shoot across the roadway of any public highway
16 or to hunt on private property without permission of the landowner.

17 (c) A permitholder must have a companion to assist in immediately dressing any killed game animal. The
18 companion may also assist the permitholder by hunting a game animal that has been wounded by the
19 permitholder when the permitholder is unable to pursue and kill the wounded game animal.

20 (d) Any vehicle from which a permitholder is hunting must be conspicuously marked with an
21 orange-colored international symbol of persons with disabilities on the front, rear, and each side of the vehicle,
22 or as prescribed by the department.

23 (5) A veteran who meets the qualifications in subsection (9) as a result of a combat-connected injury may
24 apply at a fish, wildlife, and parks office for a regular Class A-3 deer A tag, a Class A-4 deer B tag, a Class B-7
25 deer A tag, a Class B-8 deer B tag, and a special antelope license at one-half the license fee. Fifty licenses of
26 each license type must be made available annually. Licenses issued to veterans under this part do not count
27 against the number of special antelope licenses reserved for people with permanent disabilities, as provided in
28 87-2-706.

29 (6) (a) A resident of Montana who is certified by the department as experiencing blindness, as defined
30 in 53-7-301, may be issued a lifetime fishing license for the blind upon payment of a one-time fee of \$10. The

1 license is valid for the lifetime of the blind individual and allows the licensee to fish as authorized by department
2 rule. An applicant for a license under this subsection need not obtain a wildlife conservation license as a
3 prerequisite to licensure.

4 (b) A person who is certified by the department as experiencing blindness, as defined in 53-7-301, may
5 be issued regular resident deer and elk licenses, in the manner provided in subsection (2) of this section, and
6 must be accompanied by a companion, as provided in subsection (4)(c) of this section.

7 (7) The department shall adopt rules to establish the qualifications that a person must meet to be a
8 companion and may adopt rules to establish when a companion can be a designated shooter for a disabled
9 person.

10 (8) As used in this section, "disabled person", "person with a disability", or "disabled" means or refers
11 to a person experiencing a condition medically determined to be permanent and substantial and resulting in
12 significant impairment of the person's functional ability.

13 (9) A person is entitled to a permit to hunt from a vehicle if the person:

14 (a) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
15 or a licensed physician assistant to be dependent on an oxygen device or dependent on a wheelchair, crutch,
16 or cane for mobility;

17 (b) is an amputee above the wrist or ankle; or

18 (c) is certified by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
19 or a licensed physician assistant to be unable to walk, unassisted, 600 yards over rough and broken ground while
20 carrying 15 pounds within 1 hour and to be unable to handle and maneuver up to 25 pounds.

21 (10) Certification by a licensed physician, a licensed chiropractor, an advanced practice registered nurse,
22 or a licensed physician assistant under subsection (9) must be on a form provided by the department.

23 (11) The department or a person who disagrees with a determination of disability or eligibility for a permit
24 to hunt from a vehicle may request a review by the board of medical examiners pursuant to 37-3-203.

25 (12) (a) A Montana resident who is a member of the Montana national guard or the federal reserve as
26 provided in 10 U.S.C. 10101 or who was otherwise engaged in active duty and who participated in a contingency
27 operation as provided in 10 U.S.C. 101(a)(13) that required the member to serve at least 2 months outside of the
28 state, upon request and upon presentation of the documentation described in subsection (12)(b), must be issued
29 a free resident wildlife conservation license or a Class AAA resident combination sports license, which may not
30 include a bear license, upon payment of the resident hunting access enhancement fee provided for in

1 87-2-202(3)(c), in the license year that the member returns from military service or in the year following the
2 member's return, based on the member's election, and in any of the 4 years after the member's election. A
3 member who participated in a contingency operation after September 11, 2001, that required the member to
4 serve at least 2 months outside of the state may make an election in 2007 or in the year following the member's
5 return, based on the member's election, and in any of the 4 years after the member's election and be entitled to
6 a free resident wildlife conservation license or a free Class AAA resident combination sports license in the year
7 of election and in any of the 4 years after the member's election.

8 (b) To be eligible for the free resident wildlife conservation license or free Class AAA resident
9 combination sports license provided for in subsection (12)(a), an applicant shall, in addition to the written
10 application and proof of residency required in 87-2-202(1), provide to any regional department office or to the
11 department headquarters in Helena, by mail or in person, the member's DD form 214 verifying the member's
12 release or discharge from active duty. The applicant is responsible for providing documentation showing that the
13 applicant participated in a contingency operation as provided in 10 U.S.C. 101(a)(13).

14 (c) A Montana resident who meets the service qualifications of subsection (12)(a) and the documentation
15 required in subsection (12)(b) is entitled to a free Class A resident fishing license in the license year that the
16 member returns from military service or in the year following the member's return, based on the member's
17 election, and in any of the 4 years after the member's election.

18 (d) The department's general license account must be reimbursed by a quarterly transfer of funds from
19 the general fund to the general license account for 90% of costs associated with the free licenses granted
20 pursuant to this subsection (12) during the preceding calendar quarter. Reimbursement costs must be designated
21 as license revenue.

22 (13) A member of the armed forces who forfeited a license or permit issued through a drawing as a result
23 of deployment outside of the continental United States in support of a contingency operation as provided in 10
24 U.S.C. 101(a)(13) is guaranteed the same license or permit, without additional fee, upon application in the year
25 of the member's return from deployment or in the first year that the license or permit is made available after the
26 member's return."
27

28 **NEW SECTION. Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are severable
29 from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part
30 remains in effect in all valid applications that are severable from the invalid applications.

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2 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2011.

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- END -