

HOUSE BILL NO. 367

INTRODUCED BY B. BEARD, A. DOANE, R. FITZGERALD, K. FLYNN, W. GALT, F. GARNER,
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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE VOLUNTARY WOLF MANAGEMENT CHECKOFF;
 PROVIDING FOR USE OF THE FUNDS COLLECTED; PROVIDING A STATUTORY APPROPRIATION;
 AMENDING ~~SECTION~~ SECTIONS 17-7-502 AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Voluntary wolf management checkoff -- account. (1) To help reduce the impact of wolves on landowners and livestock producers, a person may donate \$1 or more above the price of a wildlife conservation license purchased pursuant to 87-2-202 or the price of a combination license that includes a conservation license. The money collected must be deposited in a state special revenue account to the credit of the department. The account is statutorily appropriated, as provided in 17-7-502, and must be used pursuant to subsection (2) of this section.

(2) The department shall use the money collected pursuant to this section to contract for wolf management with the United States department of agriculture wildlife services, including but not limited to flight time, collaring, and lethal control of wolves. ~~Use of funds~~ FUNDS COLLECTED pursuant to this subsection must be ~~in addition to any funding to be~~ paid by the department to the United States department of agriculture wildlife services. FUNDS COLLECTED PURSUANT TO THIS SUBSECTION AND PAID BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF AGRICULTURE WILDLIFE SERVICES ARE IN ADDITION TO AND NOT A SUBSTITUTE FOR ANY FUNDS BEING PAID BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF AGRICULTURE WILDLIFE SERVICES under ~~a~~ ANY contract in effect on [the effective date of this act].

Section 2. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the

1 need for a biennial legislative appropriation or budget amendment.

2 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
3 of the following provisions:

4 (a) The law containing the statutory authority must be listed in subsection (3).

5 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
6 appropriation is made as provided in this section.

7 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
8 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
9 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;
10 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;
11 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
12 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;
13 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301;
14 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213;
15 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;
16 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416;
17 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; section
18 11; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

19 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
20 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
21 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
22 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
23 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
24 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
25 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
26 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
27 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
28 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
29 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion
30 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004

1 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,
2 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;
3 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;
4 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.
5 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.
6 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,
7 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of
8 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of
9 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
10 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates
11 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December
12 31, 2023.)"

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14 **SECTION 3. SECTION 87-2-903, MCA, IS AMENDED TO READ:**

15 **"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission**
16 **of license money.** (1) License agents, except salaried employees of the department, must receive for all services
17 rendered a commission of 50 cents for each transaction, plus any additional amount as determined under
18 subsection (9) and by rules adopted pursuant to subsection (10).

19 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
20 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit
21 collection of the convenience fee provided for in this subsection.

22 (3) Each license agent shall submit to the department the money received from the sale of licenses and
23 donations received pursuant to 87-1-293 and [section 1], less the appropriate commission and convenience fee.

24 (4) Each license agent shall submit to the department copies of each paper license sold.

25 (5) The department may charge license agents appointed after March 1, 1998, an electronic license
26 system fee not to exceed actual costs.

27 (6) The department may designate classes of license agents and may establish a protocol for each class
28 of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the
29 department, the director, the wardens, or the legislative auditor.

30 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,

1 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
2 include donations collected pursuant to 87-1-293 and [section 1].

3 (8) If a license agent fails to submit to the department all money received from the declared sale of
4 licenses and from donations received pursuant to 87-1-293 and [section 1], less the appropriate commission and
5 convenience fee, by the deadline established by the department, an interest charge equal to the rate charged
6 under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the department
7 from summarily revoking the appointment of a license agent under 87-2-904.

8 (9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for
9 each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

10 (10) The department may adopt rules necessary to implement this section. (Terminates June 30,
11 2019--sec. 7, Ch. 83, L. 2013.)

12 **87-2-903. (Effective July 1, 2019) Compensation, fees, and duties of agents -- penalty for late**
13 **submission of license money.** (1) License agents, except salaried employees of the department, must receive
14 for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined
15 under subsection (9) and by rules adopted pursuant to subsection (10).

16 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
17 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit
18 collection of the convenience fee provided for in this subsection.

19 (3) Each license agent shall submit to the department the money received from the sale of licenses and
20 donations collected pursuant to [section 1], less the appropriate commission and convenience fee.

21 (4) Each license agent shall submit to the department copies of each paper license sold.

22 (5) The department may charge license agents appointed after March 1, 1998, an electronic license
23 system fee not to exceed actual costs.

24 (6) The department may designate classes of license agents and may establish a protocol for each class
25 of agent. Each license agent shall keep the license account open at all reasonable hours to inspection by the
26 department, the director, the wardens, or the legislative auditor.

27 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,
28 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
29 include donations collected pursuant to [section 1].

30 (8) If a license agent fails to submit to the department all money received from the declared sale of

1 licenses and donations collected pursuant to [section 1], less the appropriate commission and convenience fee,
2 by the deadline established by the department, an interest charge equal to the rate charged under 15-1-216 may
3 be assessed. Acceptance of late payments with interest does not preclude the department from summarily
4 revoking the appointment of a license agent under 87-2-904.

5 (9) A license agent, except for an electronic service provider, must receive a commission of 50 cents for
6 each ticket the agent processes for a hunting license lottery held pursuant to 87-1-271.

7 (10) The department may adopt rules necessary to implement this section."
8

9 **NEW SECTION. Section 4. Codification instruction.** [Section 1] is intended to be codified as an
10 integral part of Title 87, chapter 1, part 9, and the provisions of Title 87, chapter 1, part 9, apply to [section 1].
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12 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2017.
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