

HOUSE BILL NO. 291

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE VOLUNTARY WOLF MITIGATION ACCOUNT;
PROVIDING FOR REVENUE COLLECTION AND USE OF FUNDS; PROVIDING A STATUTORY
APPROPRIATION; AMENDING 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 mitigation account. (1) There is a voluntary wolf mitigation
account in the state special revenue fund established in 17-2-102. The account is statutorily appropriated, as
provided in 17-7-502, and must be used pursuant to subsection (3) of this section.

(2) The voluntary wolf mitigation account is funded by private donations. State agencies shall, as
appropriate, facilitate private donations to the account, including but not limited to the following methods:

(a) a donation by a person of \$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; and

(b) a donation by a person, as defined in 2-4-102, through the websites of the department of livestock
and the department of fish, wildlife, and parks.

(3) The department of livestock 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.

(4) Funds collected pursuant to this section and paid by the department of livestock to the United States
department of agriculture wildlife services are in addition to and not a substitute for any funds paid by the

1 department to the United States department of agriculture wildlife services under any contract in effect on [the
2 effective date of this act].

3

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

5 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
6 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
7 need for a biennial legislative appropriation or budget amendment.

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

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

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

13 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
14 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
15 10-3-312; 10-3-314; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110;
16 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222;
17 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604;
18 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622;
19 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409;
20 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011;
21 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108;
22 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;
23 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518;
24 80-11-1006; 81-1-112; 81-1-113; 81-7-106; [section 1]; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505;
25 [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

26 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
27 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
28 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
29 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
30 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory

1 appropriation authority for the payments.(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 2 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 3 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
 4 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 5 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 6 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion
 7 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112
 8 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,
 9 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of
 10 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates
 11 June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of
 12 contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant
 13 to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.
 14 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,
 15 L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the
 16 inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304
 17 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates
 18 June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant
 19 to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023;
 20 pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,
 21 Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,
 22 Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

23

24 **Section 3.** Section 87-2-903, MCA, is amended to read:

25 **"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission**
 26 **of license money.** (1) License agents, except salaried employees of the department, must receive for all services
 27 rendered a commission of 50 cents for each transaction, plus any additional amount as determined under
 28 subsection (9) and by rules adopted pursuant to subsection (10).

29 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
 30 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit

1 collection of the convenience fee provided for in this subsection.

2 (3) Each license agent shall submit to the department the money received from the sale of licenses and
3 aquatic invasive species prevention passes and from donations received pursuant to [76-17-102, ~~and~~] section
4 1], and 87-1-293, less the appropriate commission and convenience fee.

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

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

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

11 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,
12 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
13 include donations collected pursuant to [76-17-102, ~~and~~] section 1], and 87-1-293 or the sale of aquatic invasive
14 species prevention passes pursuant to 87-2-130.

15 (8) If a license agent fails to submit to the department all money received from the declared sale of
16 licenses and aquatic invasive species prevention passes and from donations received pursuant to [76-17-102,
17 ~~and~~] section 1], and 87-1-293, less the appropriate commission and convenience fee, by the deadline established
18 by the department, an interest charge equal to the rate charged under 15-1-216 may be assessed. Acceptance
19 of late payments with interest does not preclude the department from summarily revoking the appointment of a
20 license agent under 87-2-904.

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

23 (10) The department may adopt rules necessary to implement this section. (Terminates February 29,
24 2020--sec. 21(1), Ch. 387, L. 2017.)

25 **87-2-903. (Effective March 1, 2020) Compensation, fees, and duties of agents -- penalty for late**
26 **submission of license money.** (1) License agents, except salaried employees of the department, must receive
27 for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined
28 under subsection (9) and by rules adopted pursuant to subsection (10).

29 (2) A license agent may charge a convenience fee of up to 3% of the total amount of a transaction if a
30 purchase is made with a credit card or a debit card. A financial institution or credit card company may not prohibit

1 collection of the convenience fee provided for in this subsection.

2 (3) Each license agent shall submit to the department the money received from the sale of licenses and
3 from donations received pursuant to [76-17-102, and] [section 1], and 87-1-293, less the appropriate commission
4 and convenience fee.

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

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

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

11 (7) For purposes of this section, the term "transaction" includes the sale of any license or permit,
12 collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not
13 include donations collected pursuant to [76-17-102, and] [section 1], and 87-1-293.

14 (8) If a license agent fails to submit to the department all money received from the declared sale of
15 licenses and from donations received pursuant to [76-17-102, and] [section 1], and 87-1-293, less the appropriate
16 commission and convenience fee, by the deadline established by the department, an interest charge equal to the
17 rate charged under 15-1-216 may be assessed. Acceptance of late payments with interest does not preclude the
18 department from summarily revoking the appointment of a license agent under 87-2-904.

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

21 (10) The department may adopt rules necessary to implement this section. (Bracketed language
22 terminates June 30, 2027--sec. 10, Ch. 374, L. 2017.)"

23
24 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an
25 integral part of Title 81, chapter 7, part 1, and the provisions of Title 81, chapter 7, part 1, apply to [section 1].

26
27 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2019.

28 - END -