

Amendment - 2nd Reading-yellow - Requested by: Mike Hopkins - (H) Committee of the Whole

- 2023
68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

SB0538.003.003

1 SENATE BILL NO. 538
2 INTRODUCED BY C. FRIEDEL, E. BUTTREY, D. ZOLNIKOV, D. BARTEL, J. SMALL, M. HOPKINS, J.
3 ELLSWORTH, J. KASSMIER
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING MARIJUANA LAWS; CREATING A
6 MARIJUANA ADMINISTRATION STATE SPECIAL REVENUE ACCOUNT FOR THE DEPARTMENT OF
7 REVENUE; CREATING A HABITAT LEGACY ACCOUNT FOR THE BENEFIT OF THE DEPARTMENT OF
8 FISH, WILDLIFE, AND PARKS; CREATING A STATE SPECIAL REVENUE ACCOUNT FOR THE BENEFIT
9 OF THE DEPARTMENT OF JUSTICE; AUTHORIZING THE DEPARTMENT OF REVENUE TO SPEND
10 APPROPRIATED LOCAL OPTION MARIJUANA TAX REVENUE; REVISING THE ALLOCATION OF THE
11 MARIJUANA STATE SPECIAL REVENUE ACCOUNT; REVISING THE MONTANA WILDLIFE HABITAT
12 IMPROVEMENT ACT; CREATING STATUTORY APPROPRIATIONS; ADDING A FEE FOR DISPENSARIES
13 FOR DRUG EDUCATION PROGRAMS; INCREASING THE PENALTY FOR FRAUDULENT
14 REPRESENTATION; ALLOWING A LAW ENFORCEMENT OFFICIAL TO SEIZE MARIJUANA AND
15 MARIJUANA PRODUCTS IN CERTAIN CASES; AMENDING SECTIONS 16-12-111, 16-12-224, AND 16-12-
16 ~~302, 16-12-310, 17-1-508, 17-7-502, 23-1-105, 23-2-108, 87-5-121,~~ AND 87-5-806, MCA; AND PROVIDING
17 AN A DELAYED EFFECTIVE DATE EFFECTIVE DATES."
18

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

20
21 NEW SECTION. SECTION 1. MARIJUANA ADMINISTRATION STATE SPECIAL REVENUE ACCOUNT -- USE --
22 STATUTORY APPROPRIATION. (1) THERE IS A SPECIAL REVENUE ACCOUNT WITHIN THE STATE SPECIAL REVENUE FUND
23 ESTABLISHED IN 17-2-102. MONEY IN THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
24 DEPARTMENT OF REVENUE AND MAY ONLY BE USED TO ADMINISTER THE LOCAL-OPTION MARIJUANA EXCISE TAX
25 PURSUANT TO 16-12-309 THROUGH 16-12-312 AND 16-12-317.
26 (2) THERE MUST BE DEPOSITED IN THE ACCOUNT MONEY RECEIVED FROM TAX REVENUE PURSUANT TO 16-
27 12-310(3)(c).

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1 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
2 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
3 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
4 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
5 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
6 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
7 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
8 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

9

10 **Section 9.** Section 23-1-105, MCA, is amended to read:

11 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) (a) The department may
12 levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be
13 provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6).

14 (b) There must be deposited into a state special revenue fund in the state treasury to the credit of
15 the department:

16 (i) ~~all money derived from the activities of the department, except as provided in subsection (5); and~~

17 (ii) ~~money from marijuana taxes deposited under 16-12-111.~~

18 (2) Overnight camping fees established by the department under subsection (1) must be
19 discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

20 (a) 62 years of age or older;

21 (b) certified as disabled in accordance with rules adopted by the department; or

22 (c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof
23 of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card,
24 or a driver's license indicating the person's veteran status.

25 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle
26 at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is
27 discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person

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1 is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the
2 registered owner.

3 (4) Money received from the collection of fees and charges is subject to the deposit requirements
4 of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule
5 pursuant to 17-6-105(8).

6 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of
7 managing state park visitor services revenue. The fund is to be used by the department to serve the recreating
8 public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of
9 educational, commemorative, and interpretive merchandise and other related goods and services at
10 department sites and facilities. The fund consists of money from the sale of educational, commemorative, and
11 interpretive merchandise and other related goods and services and from donations. Gross revenue from the
12 sale of educational, commemorative, and interpretive merchandise and other related goods and services must
13 be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund
14 for use as provided in this subsection.

15 (6) In recognition of the fact that individuals support state parks through the payment of certain
16 motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to
17 pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such
18 as overnight camping fees, are still chargeable and may be collected by the department.

19 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or
20 after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and
21 operation of state parks."

22

23 **Section 10.** Section 23-2-108, MCA, is amended to read:

24 **"23-2-108. Trails and recreational facilities account.** (1) There is a trails and recreational facilities
25 account in the state special revenue fund established in 17-2-102.

26 (2) There must be paid into the account:

27 ~~(a)~~—money collected pursuant to 61-3-321(19)(a)(iii); ~~and~~

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1 ~~(b) money from marijuana taxes deposited under 16-12-111.~~

2 (3) Money in the account may only be used by the department to provide trails and recreational
3 facilities grants pursuant to 23-2-109.

4 (4) Interest and income earned on the account and any unspent or unencumbered money in the
5 account at the end of a fiscal year must remain in the account."

6
7 **Section 11.** Section 87-5-121, MCA, is amended to read:

8 **"87-5-121. Nongame wildlife account.** (1) There is a nongame wildlife account in the state special
9 revenue fund provided for in 17-2-102.

10 (2) There must be deposited into the account:

11 ~~(a) all money collected under 15-30-2387 and all interest earned by the fund before being expended~~
12 ~~under this section; and~~

13 ~~(b) money from marijuana taxes deposited under 16-12-111.~~

14 (3) Money in the account must be used by the department, upon the approval of the commission
15 as determined under 87-5-122, to provide adequate funding for:

16 (a) research and education programs on nongame wildlife in Montana, as provided for in 87-5-104;
17 and

18 (b) any management programs for nongame wildlife approved by the legislature under 87-5-105 as
19 species or subspecies in need of management.

20 (4) The money is available to the department in the same manner as provided in 87-1-601, except
21 that money collected under 15-30-2387 may not be used:

22 (a) for the purchase of any real property; or

23 (b) in such a way as to interfere with the production on or management of private property."

24
25 **Section 12.** SECTION 87-5-806, MCA, IS AMENDED TO READ:

26 **"87-5-806. (Temporary) Administration and expenditure of funds --~~cooperation with other~~**
27 **entities.** (1) ~~(a)~~ State, tribal, and federal agencies, as well as conservation districts, irrigation districts, grazing