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As of: July 9, 2018 (12:16pm)

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**** Bill No. ****

Introduced By *****

By Request of the *****

****For discussion purposes by the EQC at its July 2018 meeting****

A Bill for an Act entitled: "An Act revising laws related to the funding of aquatic invasive species programs; requiring an aquatic invasive species prevention pass for operation of vessels and establishing fees; revising aquatic invasive species prevention pass fees for anglers; providing for the transfer and statutory appropriation of general fund monies; allocating a portion of gas tax revenues; amending sections 15-1-122, 15-70-403, 17-7-502, 60-3-201, 80-7-1004, 87-2-130, and 87-2-903, MCA, Section 21, Chapter 387, Laws of 2017, and Section 19, Chapter 387, Laws of 2017; repealing section 7, chapter 387, laws of 2017; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Aquatic invasive species prevention pass for vessels.** (1) For each vessel operated on the waters of this state, a person must purchase from the department an aquatic invasive species prevention pass, which must be retained on the vessel or on the person operating the vessel unless an electronic copy of the pass is available for inspection at the request of a warden, other officer, or employee of the department. The pass must include a description of the vessel for which it was purchased.

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(2) The annual fee for an aquatic invasive species prevention pass purchased pursuant to this section is:

(a) except as provided in subsection (2)(b):

(i) \$25 for a motorized vessel registered in Montana pursuant to 61-3-321;

(ii) \$60 for a motorized vessel exempt from registration in Montana pursuant to 61-3-321;

(iii) \$10 for a nonmotorized vessel;

(b) \$100 for any vessel used for commercial activity, including but not limited to vessels offered for rent and used by outfitters and guides.

(3) An aquatic invasive species prevention pass purchased pursuant to this section expires at the end of each calendar year and is not transferrable between vessels.

Section 2. Section 15-1-122, MCA, is amended to read:

"15-1-122. (Temporary -- bracketed language effective July 1, 2023) 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 fiscal years 2016 through 2019, there is transferred \$1.275 million on an annual basis from the state general fund to the research and commercialization state special revenue account provided for in 90-3-1002.

(3) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients

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indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48% 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, 1.50% 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% 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 recreational use, 16.7% in each fiscal year; and

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

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(ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of Title 23, chapter 2, part 6, and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

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

(d) 0.81% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be deposited in the veterans' services account provided for in 10-2-112(1); and

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

(4) The amount of \$200,000 is transferred from the state general fund to the livestock loss [reduction and] mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.

(5) The amount of \$1,000,000 is transferred from the state general fund to the invasive species account established in 80-7-1004 in each fiscal year.

~~(5)~~(6) For fiscal years 2018 through 2021, there is transferred \$2 million on an annual basis from the state general fund to the sage grouse stewardship account provided for in 76-22-109.

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~~(6)~~(7) For the purposes of this section, "motor vehicle revenue deposited in the state general fund" means revenue received from:

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

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

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

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

~~(7)~~(8) Except as provided in subsections (2) and (5), the amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes.

(Terminates June 30, 2021--sec. 8, Ch. 360, L. 2017; bracketed language in subsection (4) effective July 1, 2023--sec. 6, Ch. 284, L. 2017.)

15-1-122. (Effective July 1, 2021 -- bracketed language effective July 1, 2023) 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 fiscal years 2016 through 2019, there is transferred \$1.275 million on an annual basis from the state general fund to the research and commercialization state special

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revenue account provided for in 90-3-1002.

(3) 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, 1.48% 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, 1.50% 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% 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 recreational use, 16.7% in

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each fiscal year; and

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

(ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50% of the amount to be used for enforcing the purposes of Title 23, chapter 2, part 6, and 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities; and

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

(d) 0.81% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be deposited in the veterans' services account provided for in 10-2-112(1); and

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

(4) The amount of \$200,000 is transferred from the state general fund to the livestock loss [reduction and] mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.

(5) The amount of \$1,000,000 is transferred from the state general fund to the invasive species account established in 80-7-1004 in each fiscal year.

~~(5)~~(6) For the purposes of this section, "motor vehicle

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revenue deposited in the state general fund" means revenue received from:

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

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

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

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

~~(6)~~(7) Except as provided in subsection (2), the amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes. (Bracketed language in subsection (4) effective July 1, 2023--sec. 6, Ch. 284, L. 2017.)"

{*Internal References to 15-1-122:*

10-2-112 x	10-2-603 x	10-3-801x	15-35-108x
61-3-321 x	61-3-459x	76-22-109x	81-1-112x
81-1-112x			

Section 3. Section 15-70-403, MCA, is amended to read:

"15-70-403. Gasoline and special fuel tax -- incidence -- rates. (1) The incidence of the fuel tax is on the distributor for the privilege of engaging in and carrying on business in this state. Each distributor shall pay to the department of transportation a tax in an amount equal to:

(a) for each gallon of gasoline distributed by the

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distributor within the state and upon which the gasoline tax has not been paid by any other distributor:

- (i) 31.5 cents in fiscal years 2018 and 2019;
- (ii) 32 cents in fiscal years 2020 and 2021;
- (iii) 32.5 cents in fiscal year 2022; and
- (iv) 33 cents in fiscal year 2023 and thereafter;

(b) for each gallon of special fuel distributed by the distributor within the state and on which the special fuel tax has not been paid by any other distributor:

- (i) 29.25 cents in fiscal years 2018 and 2019;
- (ii) 29.45 cents in fiscal years 2020 and 2021;
- (iii) 29.55 cents in fiscal year 2022; and
- (iv) 29.75 cents in fiscal year 2023 and thereafter; and

(c) 4 cents for each gallon of aviation fuel, other than fuel sold to the federal defense fuel supply center, which is allocated to the department as provided by 67-1-301.

(2) The gasoline tax provided for in subsection (1)(a) must be deposited as follows:

(a) the revenue from 23 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)~~(d)~~(e) to the highway restricted account provided for in 15-70-126;

(b) the revenue from 4 cents of the tax less the allocations provided for in 60-3-201(1)(a) through (1)~~(d)~~(e) to the highway patrol administration state special revenue account established in 44-1-110; and

(c) the remaining revenue from the tax less the allocations provided for in 60-3-201(1)(a) through (1)~~(d)~~(e) to the bridge

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and road safety and accountability restricted account provided for in 15-70-127.

(3) The special fuel tax provided for in subsection (1)(b) must be deposited as follows:

(a) the revenue from 23 3/4 cents of the tax to the highway restricted account provided for in 15-70-126;

(b) the revenue from 4 cents of the tax to the highway patrol administration state special revenue account established in 44-1-110; and

(c) the remaining revenue from the tax to the bridge and road safety and accountability restricted account provided for in 15-70-127.

(4) Gasoline or special fuel may not be included in the measure of the distributor's tax if it is sold for export unless the distributor is not licensed and is not paying the tax to the state where the fuel is destined.

(5) Special fuel may not be included in the measure of the distributor's tax if it is dyed by injector at a refinery or terminal for off-highway use.

(6) When no Montana fuel tax has been paid by a distributor or any other person, the department shall collect or cause to be collected from the owners or operators of motor vehicles operating on the public roads and highways of this state a tax equal to the tax rate provided for in subsection (1)(a) for gasoline and subsection (1)(b) for dyed or undyed special fuel. The tax must be paid for each gallon of gasoline or special fuel as defined in this part, or other volatile liquid, except liquid

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petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used to produce motor power to operate motor vehicles on the public roads and highways of this state.

(7) The tax may not be imposed on dyed special fuel delivered into the fuel supply tank of a vehicle that is equipped with a feed delivery box if:

(a) the feed delivery box is permanently affixed to the vehicle;

(b) the vehicle is used exclusively for the feeding of livestock; and

(c) the gross vehicle weight of the vehicle, exclusive of any towed units, is greater than 12,000 pounds.

(8) All special fuel or other volatile liquid, except liquid petroleum gas, of less than 46 degrees A.P.I. (American petroleum institute) gravity test sold or used in motor vehicles, motorized equipment, and the internal combustion of any engines, including stationary engines, and used in connection with any work performed under any contracts pertaining to the construction, reconstruction, or improvement of a highway or street and its appurtenances awarded by any public agencies, including federal, state, county, municipal, or other political subdivisions, must be undyed fuel on which Montana fuel tax has been paid.

(9) Material used for construction, reconstruction, or improvement in connection with work performed under a contract as provided in subsection (8) must be produced using fuel on which

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Montana fuel tax has been paid."

{*Internal References to 15-70-403:*

15-70-126x	15-70-126 x	15-70-127x	15-70-343x
15-70-404x	15-70-404 x	15-70-404x	15-70-405x
15-70-410x	15-70-419 x	15-70-433x	15-70-441x
15-70-441x	15-70-522x	44-1-110 x	60-2-225x
60-3-201 a	60-3-201 a	60-3-201 a	67-1-301x
67-1-301 x	75-11-314x}		

Section 4. 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 need for a biennial legislative appropriation or budget amendment.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 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; 10-3-312; 10-3-314; 10-3-1304; 10-4-301; [10-4-304;] 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 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; 17-3-241;

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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; 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; 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; 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; 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; 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; 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; 80-7-1004; 80-11-518; 80-11-1006; 81-1-112;
81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505;
[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.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers'

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retirement system's unfunded 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 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 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 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to

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sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant 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; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2, Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; pursuant to sec. 31(2), Ch. 367, L. 2017, the inclusion of 10-4-301 terminates July 1, 2018, and the inclusion of 10-4-304 is effective July 1, 2018; and pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

{*Internal References to 17-7-502:*

2-17-105x	5-11-120	x	5-11-407x	5-13-403x
7-4-2502x	10-1-108	x	10-1-1202x	10-1-1303x
10-2-603x	10-2-807	x	10-3-203	x 10-3-310x
10-3-312	x 10-3-312	x	10-3-314	x 10-3-1304x
10-4-301	x 10-4-304	x	15-1-121	x 15-1-218x
15-35-108	x 15-36-332x	15-36-332x	15-37-117x	
15-37-117x	15-39-110x	15-65-121x	15-70-101x	
15-70-130x	15-70-433x	16-11-119x	16-11-509x	
17-1-508	x 17-3-106	x 17-3-112	x 17-3-212x	
17-3-222	x 17-3-241	x 17-6-101	x 17-7-215x	
17-7-501	x 18-11-112	x 19-3-319x	19-3-320x	
19-6-404	x 19-6-410	x 19-9-702	x 19-13-604x	
19-17-301x	19-18-512	x 19-19-305x	19-19-506x	
19-20-604x	19-20-607x	19-21-203x	20-8-107x	
20-9-534	x 20-9-534	x 20-9-622x	20-9-905x	
20-26-617x	20-26-1503x	22-1-327	x 22-3-116x	
22-3-117	x 22-3-1004	x 23-4-105x	23-4-105x	
23-5-306	x 23-5-409	x 23-5-612	x 23-7-301x	
23-7-402	x 23-7-402	x 23-7-402	x 30-10-1004x	
37-43-204x	37-50-209x	37-51-501x	37-54-113x	
39-71-503x	41-5-2011x	42-2-105	x 44-4-1101x	
44-12-213x	44-13-102x	50-1-115	x 53-1-109x	
53-6-148	x 53-6-1304	x 53-6-1304	x 53-9-113x	
53-24-108x	53-24-108x	53-24-206x	60-11-115x	
61-3-321	x 61-3-415	x 69-3-870	x 69-4-527x	
75-1-1101x	75-5-1108x	75-6-214x	75-11-313x	
75-26-308x	76-13-150x	76-13-150x	76-13-416x	
76-17-103x	76-22-109x	76-22-109x	77-1-108x	
77-2-362	x 80-2-222	x 80-4-416	x 80-11-518x	
80-11-1006x	81-1-112x	81-1-113x	81-7-106x	

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81-10-103 x 82-11-161x 82-11-161x 85-20-1504x
85-20-1504x 85-20-1505x 85-25-102x 87-1-603x
90-1-115 x 90-1-115 x 90-1-205x 90-1-504x
90-3-1003x 90-6-331x 90-9-306x }

Section 5. Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline tax. (1) Money received in payment of the gasoline tax under 15-70-403, except those amounts paid out of the department's suspense account for gasoline tax refund, must be deposited as provided in 15-70-403(2) and (3) and used and expended as provided in 15-70-126 and 15-70-127 and this section. After deductions for amounts paid out of the suspense account for gasoline tax refunds, the remainder of the gasoline tax collected under 15-70-403 is allocated as follows:

(a) 9/10 of 1% to the state park account;

(b) 3/10 of 1% to the invasive species account established in 80-7-1004;

~~(b)(c)~~ 15/28 of 1% to a snowmobile account in the state special revenue fund;

~~(c)(d)~~ 1/8 of 1% to an off-highway vehicle account in the state special revenue fund;

~~(d)(e)~~ 1/25 of 1% to the aeronautics revenue fund of the department under the provisions of 67-1-301; and

~~(e)(f)~~ the remaining amount as provided for in 15-70-126 and 15-70-127.

(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended

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in accordance with this title. Nothing in this title conflicts with Title 23 of the United States Code and the rules by which it is administered.

(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.

(4) (a) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed.

(b) Money credited to the invasive species account established in 80-7-1004 may be used only for projects that prevent or control any nonnative, aquatic invasive species pursuant Title 80, chapter 7, part 10, in waters where motorboating is allowed.

(c) The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than ~~9/10 of 1%~~ 1.2% is used for propelling boats on waterways of this state.

(5) (a) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost, to promote snowmobile safety, for enforcement purposes, and for the control of noxious weeds.

(b) Of the amounts deposited in the snowmobile account:

(i) 13% of the amount deposited must be used by the department of fish, wildlife, and parks to promote snowmobile

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safety and education and to enforce snowmobile laws. Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third of the 13% deposited must be used for the enforcement of snowmobile laws.

(ii) 1% of the amount deposited must be credited to the noxious weed management special revenue fund provided for in 80-7-816.

(c) The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 15/28 of 1% is used for propelling registered snowmobiles in this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no

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admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, except fuel for which refunds have been made, not less than 1/25 of 1% is used for propelling aircraft in this state."

{*Internal References to 60-3-201:*

15-70-126x 15-70-403x 15-70-403 a 15-70-403a
60-2-225x}

Section 6. Section 80-7-1004, MCA, is amended to read:

"80-7-1004. ~~(Temporary)~~ Invasive species account. (1) There is an invasive species account in the state special revenue fund. The account is administered by the department of fish, wildlife, and parks.

(2) Money transferred from any lawful source, including but not limited to fees collected pursuant to 87-2-130, [15-72-601, and 15-72-602,] gasoline tax proceeds allocated pursuant to 60-3-201, general fund monies transferred pursuant to 15-1-122, gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

(3) Subject to subsection (4) and 60-3-201(4)(b), money deposited in the account must be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.

(4) Any private contribution deposited in the account for a particular purpose, as stated by the donor, must be used exclusively for that purpose.

(5) The general fund monies transferred into the account

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pursuant to 15-1-122 are statutorily appropriated as provided in 17-7-502.

~~(5)~~(6) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings, must be transferred to the invasive species trust fund established in 80-7-1016.

~~(6)~~(7) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species account. (Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017; bracketed language terminates June 30, 2019--sec. 21(3), Ch. 387, L. 2017.)

~~**80-7-1004. (Effective March 1, 2020) Invasive species account.**~~ (1) ~~There is an invasive species account in the state special revenue fund. The account is administered by the department of fish, wildlife, and parks.~~

~~— (2) Money transferred from any lawful source, including but not limited to gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.~~

~~— (3) Subject to subsection (4), money deposited in the account must be used for projects that prevent or control any nonnative, aquatic invasive species pursuant to this part.~~

~~— (4) Any private contribution deposited in the account for a particular purpose, as stated by the donor, must be used exclusively for that purpose.~~

~~— (5) At the end of each fiscal year, unreserved funds in the account, including any interest and earnings, must be transferred to the invasive species trust fund established in 80-7-1016.~~

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~~(6) The department of fish, wildlife, and parks may not recover indirect costs from the invasive species account. (Subsection (6) terminates June 30, 2027--sec. 21(2), Ch. 387, L. 2017.)"~~

{Internal References to 80-7-1004:

15-72-601 x 15-72-602 x 17-1-106 x 80-7-1008x
80-7-1015 x 80-7-1016x}

Section 7. Section 87-2-130, MCA, is amended to read:

"87-2-130. ~~(Temporary)~~ Aquatic invasive species prevention pass for anglers. (1) To be eligible to fish in Montana or to apply for a fishing license or a combination license that includes a fishing license a person must first obtain an aquatic invasive species prevention pass as provided in this section. The pass must be purchased once each license year.

~~(2) Resident aquatic invasive species prevention passes may be purchased for a fee of \$2.~~

~~(3) Nonresident aquatic invasive species prevention passes may be purchased for a fee of \$15.~~

(2) The annual fee for an aquatic invasive species prevention pass purchased pursuant to this section is:

(a) \$4 for residents;

(b) \$7.50 for nonresidents. ~~(Terminates February 29, 2020--sec. 21(1), Ch. 387, L. 2017.)"~~

{Internal References to 87-2-130:

80-7-1004x 87-2-711x 87-2-816x 87-2-816x
87-2-817 x 87-2-903a}

Section 8. Section 87-2-903, MCA, is amended to read:

"87-2-903. (Temporary) Compensation, fees, and duties of agents -- penalty for late submission of license money. (1)

License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined under subsection (9) and by rules adopted pursuant to subsection (10).

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

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

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

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

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

(7) For purposes of this section, the term "transaction"

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includes the sale of any license or permit, collection of any data or fee, or issuance of any certificate prescribed by the department. The term does not include donations collected pursuant to [76-17-102 and] 87-1-293 or the sale of aquatic invasive species prevention passes pursuant to [section 1] and 87-2-130.

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

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

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

~~**87-2-903. (Effective March 1, 2020) Compensation, fees, and duties of agents -- penalty for late submission of license money.**~~

~~(1) License agents, except salaried employees of the department, must receive for all services rendered a commission of 50 cents for each transaction, plus any additional amount as determined~~

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~~under subsection (9) and by rules adopted pursuant to subsection (10).~~

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

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

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

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

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

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

~~—— (8) If a license agent fails to submit to the department~~

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

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

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

~~{Internal References to 87-2-903:
87-1-271x}~~

Section 9. Section 19, Chapter 387, Laws of 2017, is amended to read:

"Section 19. Effective ~~dates~~ date. ~~(1) Except as provided in subsection (2), [this [This act] is effective May 15,~~
2017.

~~(2) [Section 7] is effective March 1, 2020."~~

Section 10. Section 21, Chapter 387, Laws of 2017, is amended to read:

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"Section 21. Termination. ~~(1) [Sections 1, 6, 13, 14, 15, 16, and 17] terminate February 29, 2020.~~

~~(2)(1)~~ [Sections 4 and 7~~(6)~~ 6(6)] terminate June 30, 2027.

~~(3)(2)~~ [Sections 2 and 3] and the references to [sections 2 and 3] in [section 6] terminate June 30, 2019."

NEW SECTION. **Section 11. {standard} Repealer.** Section 7, Chapter 387, Laws of 2017, is repealed.

NEW SECTION. **Section 12. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to [section 1].

NEW SECTION. **Section 13. {standard} Effective date.** [This act] is effective July 1, 2019.

- END -

{Name : Hope E. Stockwell
Title : Research Analyst
Agency : LEPO
Phone : 444-9280
E-Mail : hstockwell@mt.gov}