

HOUSE BILL NO. 309

INTRODUCED BY D. BROWN, CONNELLY, HARPER, BIANCHI, BRUSKI,  
ELLISON, GRADY, FORRESTER, WALLIN, G. BECK, HARRINGTON,  
DAVIS, PETERSON, BARNHART, SWIFT, REAM, BRADLEY

IN THE HOUSE

JANUARY 21, 1991           INTRODUCED AND REFERRED TO COMMITTEE  
                                  ON HIGHWAYS & TRANSPORTATION.

JANUARY 22, 1991           FIRST READING.

FEBRUARY 16, 1991          COMMITTEE RECOMMEND BILL  
                                  DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 18, 1991          PRINTING REPORT.

FEBRUARY 19, 1991          SECOND READING, DO PASS.

FEBRUARY 20, 1991          ENGROSSING REPORT.

FEBRUARY 23, 1991          THIRD READING, PASSED.  
                                  AYES, 62; NOES, 35.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 25, 1991          INTRODUCED AND REFERRED TO COMMITTEE  
                                  ON HIGHWAYS & TRANSPORTATION.

                                  FIRST READING.

MARCH 21, 1991            COMMITTEE RECOMMEND BILL BE  
                                  CONCURRED IN. REPORT ADOPTED.

MARCH 23, 1991            SECOND READING, CONCURRED IN AS  
                                  AMENDED.

MARCH 25, 1991            THIRD READING, CONCURRED IN.  
                                  AYES, 47; NOES, 1.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991            RECEIVED FROM SENATE.

                                  SECOND READING, AMENDMENTS  
                                  CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 309  
 2 INTRODUCED BY Steve Braun  
 3 Connally Hayes Branch Jackie E. Olson  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING A PORTION OF taxes  
 5 THE DISTRIBUTOR'S GASOLINE LICENSE TAX FOR OFF-HIGHWAY vehicles  
 6 VEHICLE PROGRAMS; AMENDING SECTION 60-3-201, MCA; AND Bradley  
 7 PROVIDING AN EFFECTIVE DATE."

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

10 **Section 1.** Section 60-3-201, MCA, is amended to read:

11 "60-3-201. Distribution and use of proceeds of gasoline  
 12 dealers' license tax. (1) All money received in payment of  
 13 license taxes under the Distributor's Gasoline License Tax  
 14 Act, except those amounts paid out of the department of  
 15 revenue's suspense account for gasoline tax refund, shall  
 16 must be used and expended as provided in this section. So  
 17 much The portion of that money on hand at any time as may be  
 18 that is needed to pay highway bonds and interest thereon on  
 19 highway bonds when due and to accumulate and maintain a  
 20 reserve therefor for that purpose, as provided in laws and  
 21 in resolutions of the state board of examiners authorizing  
 22 such bonds, shall must be deposited in the highway bond  
 23 account in the debt service fund established by 17-2-102.  
 24 Subject to that provision;

25 (a) 9/10 of 1% of all money shall must be deposited in

1 the state park account;

2 (b) 1/2 of 1% of all money shall must be deposited in a  
3 snowmobile account in the state special revenue fund;

4 (c) 1/2 of 1% of all money must be deposited in an  
5 off-highway vehicle account in the state special revenue  
6 fund; and

7 (d) 1/25 of 1% of all money shall must be deposited in  
8 the aeronautics revenue fund of the department of commerce  
9 under the provisions of 67-1-301.

10 (e) The remainder of the money shall must be used;

11 (i) by the department of highways on the federal-aid  
12 highways in this state selected and designated under Title  
13 23, U.S.C., and on highways leading from each county seat in  
14 the state to the federal highway system of federal-aid roads  
15 where if the county seat is not on the system, and on the  
16 other roads which that have been or may be authorized by the  
17 laws of Montana; and

18 (ii) for collection of the license taxes; and

19 (iii) for the enforcement of the Montana highway code  
20 under Article VIII, section 6, of the constitution of this  
21 state.

22 (2) The department shall, in expending this money,  
23 carry forward construction from year to year, using the  
24 money expended through the matching up of federal-aid  
25 allotments to Montana upon the federal highway system in the



1 various parts of the state in accordance with 60-3-204  
2 through 60-3-206. Nothing in this title conflicts with Title  
3 23, U.S.C., and the rules by which it is administered.

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

8 (4) Money credited to the state park account in the  
9 state special revenue fund ~~shall~~ may be used only for the  
10 creation, improvement, and maintenance of state parks where  
11 motorboating is allowed, except for the payment of refunds  
12 under 15-70-221 through 15-70-226. The legislature finds  
13 that of all the fuel sold in the state for consumption in  
14 internal combustion engines, not less than 9/10 of 1% is  
15 used for propelling boats on waterways of this state.

16 (5) Money credited to the snowmobile account may be  
17 used only to develop and maintain facilities open to the  
18 general public at no admission cost and to promote  
19 snowmobile safety. ~~For the 2 years following July 1, 1977,~~  
20 ~~15% of the amount deposited in the snowmobile account each~~  
21 ~~year shall be used to promote snowmobile safety. Thereafter,~~  
22 and 10% of the amount deposited in the snowmobile account  
23 ~~shall~~ must be used to promote snowmobile safety. The  
24 legislature finds that of all fuels sold in this state for  
25 consumption in internal combustion engines, not less than

1 1/2 of 1% is used for propelling snowmobiles on public lands  
2 of this state.

3 (6) (a) Money credited to the off-highway vehicle  
4 account under subsection (1)(c) may be used only to develop  
5 and maintain facilities open to the general public at no  
6 admission cost and to promote off-highway vehicle safety.  
7 Ten percent of the money deposited in the off-highway  
8 vehicle account must be used to promote off-highway vehicle  
9 safety.

10 (b) The legislature finds that of all fuel sold in this  
11 state for consumption in internal combustion engines, not  
12 less than 1/2 of 1% is used for propelling off-highway  
13 vehicles in this state.

14 ~~(6)(7)~~ Money credited to the aeronautics account of the  
15 department of commerce ~~shall~~ may be used only to develop,  
16 improve, and maintain facilities open to the public at no  
17 admission cost and to promote aviation safety. The  
18 legislature finds that of all the fuel sold in this state  
19 for consumption in internal combustion engines, not less  
20 than 1/25 of 1% is used for propelling aircraft in this  
21 state."

22 NEW SECTION. Section 2. Effective date. [This act] is  
23 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0309, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill allocates 1/2 of 1% of the distributor's gasoline license tax for off-highway vehicle programs.

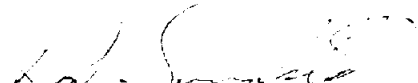
ASSUMPTIONS:

1. Total gas tax receipts will be \$87,732,519 in FY92 and \$87,692,707 in FY93. The transfer of 1/2 of 1% of the tax to the would finance \$438,663 in FY92 and \$438,464 in FY93 in the off-highway programs.
2. The Department of Fish, Wildlife and Parks will receive the same portion of the gas tax for the off-highway vehicle account as for the snowmobile account.

FISCAL IMPACT:

Transfer of funds from the Department of Highways to the Department of Fish, Wildlife and Parks' Off-highway Program.

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
Gas Tax Revenues DofH (02)	82,632,000	82,193,337	(438,663)	82,594,000	82,155,536	(438,464)
Off-Highway Program (02)	<u>0</u>	<u>438,663</u>	<u>438,663</u>	<u>0</u>	<u>438,464</u>	<u>438,464</u>
Total	82,632,000	82,632,000	0	82,594,000	82,594,000	0

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
DAVE BROWN, PRIMARY SPONSOR      DATE  
1/26/91

Fiscal Note for HB0309, as introduced

**HB 309**

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0309, third reading.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill allocates 1/8 of 1% of the distributor's gasoline license tax for off-highway vehicle programs.

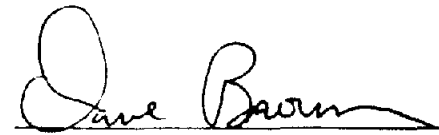
ASSUMPTIONS:

- Total gas tax receipts will be \$87,732,519 in FY92 and \$87,692,707 in FY93. The transfer of 1/8 of 1% of the tax to the Department of Fish, Wildlife and Parks would provide \$109,666 in FY92 and \$109,616 in FY93 for the off-highway vehicle program.

FISCAL IMPACT:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Revenues:</u>						
Gas Tax Revenues DofH (02)	82,632,000	82,522,334	(109,666)	82,594,000	82,484,384	(109,616)
Off-Highway Program (02)	0	109,666	109,666	0	109,616	109,616
Total	82,632,000	82,632,000	0	82,594,000	82,594,000	0

  
 ROD SUNDSTED, BUDGET DIRECTOR  
 Office of Budget and Program Planning  
 DATE 3-21-91

  
 DAVE BROWN, PRIMARY SPONSOR  
 DATE 3/21/91  
 Fiscal Note for HB0309, third reading **HB 309-1**

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0309, third reading.

DESCRIPTION OF PROPOSED LEGISLATION:


This bill allocates 1/8 of 1% of the distributor's gasoline license tax for off-highway vehicle programs.


ASSUMPTIONS:

- Total gas tax receipts will be \$87,732,519 in FY92 and \$87,692,707 in FY93. The transfer of 1/8 of 1% of the tax to the Department of Fish, Wildlife and Parks would provide \$109,666 in FY92 and \$109,616 in FY93 for the off-highway vehicle program.

FISCAL IMPACT:

	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
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Total	82,632,000	82,632,000	0	82,594,000	82,594,000	0

  
 ROD SUNDSTED, BUDGET DIRECTOR      3-21-91      DATE  
 Office of Budget and Program Planning

  
 DAVE BROWN, PRIMARY SPONSOR      3/21/91      DATE  
 Fiscal Note for HB0309, third reading      **HB 309-2**

APPROVED BY COMMITTEE  
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 309

INTRODUCED BY D. BROWN, CONNELLY, HARPER, BIANCHI, BRUSKI  
ELLISON, GRADY, FORRESTER, WALLIN, G. BECK, HARRINGTON,  
DAVIS, PETERSON, BARNHART, SWIFT, REAM, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING A PORTION OF  
THE DISTRIBUTOR'S GASOLINE LICENSE TAX FOR OFF-HIGHWAY  
VEHICLE PROGRAMS; AMENDING SECTION 60-3-201, MCA; AND  
PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline  
dealers' license tax. (1) All money received in payment of  
license taxes under the Distributor's Gasoline License Tax  
Act, except those amounts paid out of the department of  
revenue's suspense account for gasoline tax refund, ~~shall~~  
must be used and expended as provided in this section. So  
much The portion of that money on hand at any time ~~as may be~~  
that is needed to pay highway bonds and interest ~~thereon~~ on  
highway bonds when due and to accumulate and maintain a  
reserve ~~therefor~~ for that purpose, as provided in laws and  
in resolutions of the state board of examiners authorizing  
such bonds, ~~shall~~ must be deposited in the highway bond  
account in the debt service fund established by 17-2-102.

Subject to that provision:

(a) 9/10 of 1% of all money ~~shall~~ must be deposited in  
the state park account;

(b) 1/2 of 1% of all money ~~shall~~ must be deposited in a  
snowmobile account in the state special revenue fund;

(c) ~~1/2~~ 1/8 of 1% of all money must be deposited in an  
off-highway vehicle account in the state special revenue  
fund; and

(d) 1/25 of 1% of all money ~~shall~~ must be deposited in  
the aeronautics revenue fund of the department of commerce  
under the provisions of 67-1-301.

(e) The remainder of the money ~~shall~~ must be used:

(i) by the department of highways on the federal-aid  
highways in this state selected and designated under Title  
23, U.S.C., and on highways leading from each county seat in  
the state to the federal highway system of federal-aid roads  
where if the county seat is not on the system, and on the  
other roads which that have been or may be authorized by the  
laws of Montana; and

(ii) for collection of the license taxes; and

(iii) for the enforcement of the Montana highway code  
under Article VIII, section 6, of the constitution of this  
state.

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

SECOND READING



1 money expended through the matching up of federal-aid  
2 allotments to Montana upon the federal highway system in the  
3 various parts of the state in accordance with 60-3-204  
4 through 60-3-206. Nothing in this title conflicts with Title  
5 23, U.S.C., and the rules by which it is administered.

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

10 (4) Money credited to the state park account in the  
11 state special revenue fund ~~shall~~ may be used only for the  
12 creation, improvement, and maintenance of state parks where  
13 motorboating is allowed, except for the payment of refunds  
14 under 15-70-221 through 15-70-226. The legislature finds  
15 that of all the fuel sold in the state for consumption in  
16 internal combustion engines, not less than 9/10 of 1% is  
17 used for propelling boats on waterways of this state.

18 (5) Money credited to the snowmobile account may be  
19 used only to develop and maintain facilities open to the  
20 general public at no admission cost and to promote  
21 snowmobile safety. ~~For the 2 years following July 1, 1977,~~  
22 ~~15% of the amount deposited in the snowmobile account each~~  
23 ~~year shall be used to promote snowmobile safety. Thereafter,~~  
24 and 10% of the amount deposited in the snowmobile account  
25 shall must be used to promote snowmobile safety. The

1 legislature finds that of all fuels sold in this state for  
2 consumption in internal combustion engines, not less than  
3 1/2 of 1% is used for propelling snowmobiles on public lands  
4 of this state.

5 (6) (a) Money credited to the off-highway vehicle  
6 account under subsection (1)(c) may be used only to develop  
7 and maintain facilities open to the general public at no  
8 admission cost, TO REPAIR AREAS DEVELOPED BY THIS PROGRAM  
9 THAT ARE DAMAGED BY OFF-HIGHWAY VEHICLES, and to promote  
10 off-highway vehicle safety. Ten percent of the money  
11 deposited in the off-highway vehicle account must be used to  
12 promote off-highway vehicle safety. UP TO 10% OF THE MONEY  
13 DEPOSITED IN THE OFF-HIGHWAY VEHICLE ACCOUNT MAY BE USED TO  
14 REPAIR AREAS DEVELOPED BY THIS PROGRAM THAT ARE DAMAGED BY  
15 OFF-HIGHWAY VEHICLES.

16 (b) The legislature finds that of all fuel sold in this  
17 state for consumption in internal combustion engines, not  
18 less than 1/2 1/8 of 1% is used for propelling off-highway  
19 vehicles in this state.

20 ~~(6) (7)~~ Money credited to the aeronautics account of the  
21 department of commerce ~~shall~~ may be used only to develop,  
22 improve, and maintain facilities open to the public at no  
23 admission cost and to promote aviation safety. The  
24 legislature finds that of all the fuel sold in this state  
25 for consumption in internal combustion engines, not less

HB 0309/02

1 than 1/25 of 1% is used for propelling aircraft in this  
2 state."

3 NEW SECTION. **Section 2.** **Effective date.** [This act] is  
4 effective July 1, 1991.

-End-

## 1 HOUSE BILL NO. 309

2 INTRODUCED BY D. BROWN, CONNELLY, HARPER, BIANCHI, BRUSKI  
 3 ELLISON, GRADY, FORRESTER, WALLIN, G. BECK, HARRINGTON,  
 4 DAVIS, PETERSON, BARNHART, SWIFT, REAM, BRADLEY

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 6 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING A PORTION OF  
 7 THE DISTRIBUTOR'S GASOLINE LICENSE TAX FOR OFF-HIGHWAY  
 8 VEHICLE PROGRAMS; AMENDING SECTION 60-3-201, MCA; AND  
 9 PROVIDING AN EFFECTIVE DATE."

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

12 **Section 1.** Section 60-3-201, MCA, is amended to read:

13 "60-3-201. Distribution and use of proceeds of gasoline  
 14 dealers' license tax. (1) All money received in payment of  
 15 license taxes under the Distributor's Gasoline License Tax  
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 17 revenue's suspense account for gasoline tax refund, ~~shall~~  
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 20 that is needed to pay highway bonds and interest ~~thereon on~~  
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 22 reserve ~~therefor for that purpose~~, as provided in laws and  
 23 in resolutions of the state board of examiners authorizing  
 24 such bonds, ~~shall must~~ be deposited in the highway bond  
 25 account in the debt service fund established by 17-2-102.

1 Subject to that provision~~;~~:

2 (a) 9/10 of 1% of all money ~~shall must~~ be deposited in  
 3 the state park account~~;~~;

4 (b) 1/2 of 1% of all money ~~shall must~~ be deposited in a  
 5 snowmobile account in the state special revenue fund~~;~~;

6 (c) ~~1/2~~ 1/8 of 1% of all money must be deposited in an  
 7 off-highway vehicle account in the state special revenue  
 8 fund; and

9 (d) 1/25 of 1% of all money ~~shall must~~ be deposited in  
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 11 under the provisions of 67-1-301.

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 14 highways in this state selected and designated under Title  
 15 23, U.S.C., and on highways leading from each county seat in  
 16 the state to the federal highway system of federal-aid roads  
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 18 other roads which that have been or may be authorized by the  
 19 laws of Montana; and

20 (ii) for collection of the license taxes; and

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 22 under Article VIII, section 6, of the constitution of this  
 23 state.

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

THIRD READING

HB 309

1 money expended through the matching up of federal-aid  
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3 various parts of the state in accordance with 60-3-204  
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25 for consumption in internal combustion engines, not less

1 than 1/25 of 1% is used for propelling aircraft in this  
2 state."

3 NEW SECTION. **Section 2.** Effective date. [This act] is  
4 effective July 1, 1991.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 23, 1991 11:34 am

Mr. Chairman: I move to amend House Bill No. 309 (third reading copy -- blue) as follows:

1. Page 4, line 8.

Strike: "DEVELOPED BY THIS PROGRAM"

2. Page 4, line 14.

Strike: "DEVELOPED BY THIS PROGRAM"

ADOPT

REJECT

Signed: \_\_\_\_\_

*Anthony Eck*

Senator Eck

*AM 3-23-91*  
And. Coord.

*SB 3/23*  
Sec. of Senate

SENATE

HB 309

## HOUSE BILL NO. 309

INTRODUCED BY D. BROWN, CONNELLY, HARPER, BIANCHI, BRUSKI,  
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 the state to the federal highway system of federal-aid roads  
 where if the county seat is not on the system, and on the  
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 carry forward construction from year to year, using the

1 money expended through the matching up of federal-aid  
2 allotments to Montana upon the federal highway system in the  
3 various parts o. the state in accordance with 60-3-204  
4 through 60-3-206. Nothing in this title conflicts with Title  
5 23, U.S.C., and the rules by which it is administered.

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

10 (4) Money credited to the state park account in the  
11 state special revenue fund ~~shall~~ may be used only for the  
12 creation, improvement, and maintenance of state parks where  
13 motorboating is allowed, except for the payment of refunds  
14 under 15-70-221 through 15-70-226. The legislature finds  
15 that of all the fuel sold in the state for consumption in  
16 internal combustion engines, not less than 9/10 of 1% is  
17 used for propelling boats on waterways of this state.

18 (5) Money credited to the snowmobile account may be  
19 used only to develop and maintain facilities open to the  
20 general public at no admission cost and to promote  
21 snowmobile safety. ~~For the 2 years following July 17, 1977~~  
22 ~~15% of the amount deposited in the snowmobile account each~~  
23 ~~year shall be used to promote snowmobile safety. Thereafter,~~  
24 and 10% of the amount deposited in the snowmobile account  
25 ~~shall~~ must be used to promote snowmobile safety. The

1 legislature finds that of all fuels sold in this state for  
2 consumption in internal combustion engines, not less than  
3 1/2 of 1% is used for propelling snowmobiles on public lands  
4 of this state.

5 (6) (a) Money credited to the off-highway vehicle  
6 account under subsection (1)(c) may be used only to develop  
7 and maintain facilities open to the general public at no  
8 admission cost, TO REPAIR AREAS DEVELOPED BY THIS PROGRAM  
9 THAT ARE DAMAGED BY OFF-HIGHWAY VEHICLES, and to promote  
10 off-highway vehicle safety. Ten percent of the money  
11 deposited in the off-highway vehicle account must be used to  
12 promote off-highway vehicle safety. UP TO 10% OF THE MONEY  
13 DEPOSITED IN THE OFF-HIGHWAY VEHICLE ACCOUNT MAY BE USED TO  
14 REPAIR AREAS DEVELOPED BY THIS PROGRAM THAT ARE DAMAGED BY  
15 OFF-HIGHWAY VEHICLES.

16 (b) The legislature finds that of all fuel sold in this  
17 state for consumption in internal combustion engines, not  
18 less than 1/2 1/8 of 1% is used for propelling off-highway  
19 vehicles in this state.

20 ~~(6)(7)~~ Money credited to the aeronautics account of the  
21 department of commerce ~~shall~~ may be used only to develop,  
22 improve, and maintain facilities open to the public at no  
23 admission cost and to promote aviation safety. The  
24 legislature finds that of all the fuel sold in this state  
25 for consumption in internal combustion engines, not less



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1 than 1/25 of 1% is used for propelling aircraft in this  
2 state."

3 NEW SECTION. **Section 2.** Effective date. [This act] is  
4 effective July 1, 1991.

-End-