

HOUSE BILL 759

Introduced by Strizich

2/12	Introduced
2/12	Referred to Taxation
2/12	First Reading
2/12	Fiscal Note Requested
2/18	Fiscal Note Received
2/19	Fiscal Note Printed
3/06	Hearing
3/07	Committee Report--Bill Passed as Amended
3/08	Rerferred to Appropriations
3/20	Hearing
3/23	Tabled in Committee

*House* BILL NO. 759

1 INTRODUCED BY X

2  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR  
5 TACTICAL INCIDENT ASSISTANCE; IMPOSING A TAX ON VEHICLES TO  
6 FUND TACTICAL INCIDENT ASSISTANCE; STATUTORILY APPROPRIATING  
7 THE PROCEEDS OF THE TAX; AMENDING SECTION 17-7-502, MCA; AND  
8 PROVIDING A DELAYED EFFECTIVE DATE."

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

11 NEW SECTION. **Section 1.** Funding -- costs related to  
12 tactical incidents. (1) The attorney general shall authorize  
13 the expenditure of funds from the account created by  
14 [section 2] for all reasonable costs resulting from a  
15 request for:

16 (a) tactical team assistance under 10-3-703; and  
17 (b) national guard assistance under 10-3-705.

18 (2) A tactical incident that results in a disaster is  
19 available for funding under 10-3-311.

20 NEW SECTION. **Section 2.** Tactical incident account.  
21 There is a tactical incident assistance account in the state  
22 special revenue fund. Money from the tax imposed under  
23 [section 3] must be deposited in the account. The money in  
24 the account is statutorily appropriated, as provided in  
25 17-7-502, to the attorney general to pay costs related to

1 tactical incidents, as provided in [section 1].

2 NEW SECTION. **Section 3.** Vehicle tax -- tactical  
3 incident account -- excess. (1) There is a state tax imposed  
4 on vehicles subject to the property tax under 61-3-504(2),  
5 at a rate of 0.5% of the value determined under 61-3-503.  
6 The state tax imposed by this section is in addition to the  
7 tax imposed under 61-3-504(2).

8 (2) The tax must be paid at the same time and in the  
9 same manner as the tax imposed under 61-3-504(2). The county  
10 in which the tax is collected shall forward the tax to the  
11 state treasurer.

12 (3) The taxes collected under this section and any  
13 income and interest from investment of these taxes must be  
14 credited to the tactical incident assistance account created  
15 by [section 2] in order to maintain a \$500,000 balance in  
16 that account.

17 (4) Any amount over the \$500,000 balance in the account  
18 must be deposited in the state general fund, whether the  
19 excess is the result of taxation or investment.

20 **Section 4.** Section 17-7-502, MCA, is amended to read:  
21 "17-7-502. Statutory appropriations -- definition --  
22 requisites for validity. (1) A statutory appropriation is an  
23 appropriation made by permanent law that authorizes spending  
24 by a state agency without the need for a biennial  
25 legislative appropriation or budget amendment.

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

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

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

9       (3) The following laws are the only laws containing  
 10 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
 11 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
 12 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
 13 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
 14 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
 15 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
 16 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
 17 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
 18 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
 19 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;  
 20 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
 21 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
 22 [section 2]; and section 13, House Bill No. 861, Laws of  
 23 1985.

24       (4) There is a statutory appropriation to pay the  
 25 principal, interest, premiums, and costs of issuing, paying,

1       and securing all bonds, notes, or other obligations, as due,  
 2 that have been authorized and issued pursuant to the laws of  
 3 Montana. Agencies that have entered into agreements  
 4 authorized by the laws of Montana to pay the state  
 5 treasurer, for deposit in accordance with 17-2-101 through  
 6 17-2-107, as determined by the state treasurer, an amount  
 7 sufficient to pay the principal and interest as due on the  
 8 bonds or notes have statutory appropriation authority for  
 9 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 10 664, L. 1987, the inclusion of 39-71-2504 terminates June  
 11 30, 1991.)"

12       **NEW SECTION. Section 5. Codification instruction.**  
 13 [Sections 1 through 3] are intended to be codified as an  
 14 integral part of Title 10, chapter 3, part 7, and the  
 15 provisions of Title 10, chapter 3, part 7, apply to  
 16 [sections 1 through 3].

17       **NEW SECTION. Section 6. Effective date.** [This act] is  
 18 effective January 1, 1992.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0759, as introduced.DESCRIPTION OF PROPOSED LEGISLATION:

An act providing funding for tactical assistance, imposing a tax on vehicles to fund tactical incident assistance, and statutorily appropriating the proceeds of the tax.

ASSUMPTIONS:

1. The total amount collected by counties for the 2% light motor vehicle property tax will be \$38,600,000 in FY92 and FY93.
2. The current tax rate on light motor vehicles is 2% of market value. This proposal would add an additional tax of 0.5% of market value, which will raise \$9,650,000. (Any local option tax revenue is not included.)
3. The effective date is January 1, 1992; therefore, the impact for FY92 is one-half of the full year impact.
4. No data are available to estimate expenditures from the Tactical Incident Special Revenue Account.
5. The bill requires that any amount over a \$500,000 balance in the account must be deposited to the state general fund.
6. Due to the difficulty anticipating the number of tactical assistance requests, no expenditure is included in the fiscal note.

FISCAL IMPACT:

	FY '92			FY '93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
General Fund (01)	0	4,325,000	4,325,000	0	9,650,000	9,650,000
Tactical Incident Special (02)	0	500,000	500,000	0	0	0
Total	0	4,825,000	4,825,000	0	9,650,000	9,650,000
General Fund Impact			4,325,000			9,650,000



ROD SUNDSTED, BUDGET DIRECTOR  
Office of Budget and Program Planning

2-16-91

DATE



WILLIAM S. (BILL) STRIZICH, PRIMARY SPONSOR

2/19/91

DATE

Fiscal Note for HB0759, as introduced

HB 759

APPROVED BY COMMITTEE  
ON TAXATION

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

12        NEW SECTION. **Section 1.** Funding -- costs related to  
13        tactical incidents. (1) The attorney general shall authorize  
14        the expenditure of funds from--the--account--created--by  
15        APPROPRIATED IN [section 2] for all reasonable costs  
16        resulting from a request for:

17 (a) tactical team assistance under 10-3-703; and  
18 (b) national guard assistance under 10-3-705.

19 (2) A tactical incident that results in a disaster is  
20 available for funding under 10-3-311.

21        NEW SECTION. Section 2. Tactical incident account.  
22        APPROPRIATION. There--is--a--tactical--incident--assistance  
23        account--in--the--state--special--revenue--fund.--Money--from--the  
24        tax--imposed--under--{section--3}--must--be--deposited--in--the  
25        account.--The--money--in--the--account--is--statutorily

1 appropriated,--as--provided--in--17-7-502,--to--the-attorney  
2 general-to-pay--costs--related--to--tactical--incidents,--as  
3 provided--in--[section 1]. THERE IS STATUTORILY APPROPRIATED,  
4 AS PROVIDED IN 17-7-502, FROM THE GENERAL FUND TO THE  
5 ATTORNEY GENERAL AN AMOUNT NOT TO EXCEED \$500,000 EACH  
6 FISCAL YEAR FOR THE COSTS SET FORTH IN [SECTION 1].

7        NEW-SECTION.--Section-3--Vehicle---tax-----tactical  
8        incident-account---excess: (i)--There-is-a-state-tax-imposed  
9        on--vehicles--subject-to-the-property-tax-under-61-3-504(2),  
10        at-a-rate-of-0.5%--of-the-value--determined--under--61-3-503.  
11        The--state-tax-imposed-by-this-section-is-in-addition-to-the  
12        tax-imposed-under-61-3-504(2).

25 **Section 3.** Section 17-7-502, MCA, is amended to read:

## SECOND READING

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

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

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

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

14      (3) The following laws are the only laws containing  
 15      statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
 16      10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
 17      15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
 18      15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
 19      17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
 20      19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
 21      19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
 22      20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
 23      23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
 24      53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;  
 25      75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;

1       82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
 2       [section 2]; and section 13, House Bill No. 861, Laws of  
 3       1985.

4       (4) There is a statutory appropriation to pay the  
 5       **principal, interest, premiums, and costs of issuing, paying,**  
 6       **and securing all bonds, notes, or other obligations, as due,**  
 7       **that have been authorized and issued pursuant to the laws of**  
 8       **Montana. Agencies that have entered into agreements**  
 9       **authorized by the laws of Montana to pay the state**  
 10      **treasurer, for deposit in accordance with 17-2-101 through**  
 11      **17-2-107, as determined by the state treasurer, an amount**  
 12      **sufficient to pay the principal and interest as due on the**  
 13      **bonds or notes have statutory appropriation authority for**  
 14      **such payments. (In subsection (3), pursuant to sec. 10, Ch.**  
 15      **664, L. 1987, the inclusion of 39-71-2504 terminates June**  
 16      **30, 1991.)"**

17      **NEW SECTION. Section 4. Codification instruction.**  
 18      [Sections 1 through-3 AND 2] are intended to be codified as  
 19      an integral part of Title 10, chapter 3, part 7, and the  
 20      provisions of Title 10, chapter 3, part 7, apply to  
 21      [sections 1 through-3 AND 2].

22      **NEW SECTION. Section 5. Effective date. [This act] is**  
 23      **effective January-17-1992 JULY 1, 1991.**

-End-