

Senate Bill 12

In The Senate

January 5, 1981	Introduced and referred to Committee on Taxation.
January 6, 1981	Fiscal note requested.
January 12, 1981	Fiscal note returned.
April 23, 1981	Died in Committee.

1 SENATE BILL NO. 12
2 INTRODUCED BY NORMAN

3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH PERIODIC
6 REVIEW OF REVENUE DEDICATIONS AND SUNSETTING SUCH
7 DEDICATIONS."

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

10 Section 1. Purpose. (1) The legislature finds that
11 provisions for dedicating (earmarking) state revenue have
12 increased in number and that over one-half of state revenue
13 collections are now affected by dedication provisions. The
14 legislature also finds that dedication provisions reduce
15 legislative control over state spending, complicate the
16 state funding structure, and increase the effort required to
17 budget, appropriate, and monitor public funds.

18 (2) It is the intent of the legislature, by
19 establishing a system for the evaluation and review of
20 revenue dedication provisions, to ensure that:

21 (a) current provisions for revenue dedication reflect
22 sound principles of revenue dedication;

23 (b) current provisions for revenue dedication reflect
24 present circumstances and legislative priorities for state
25 spending;

- 1 (c) dedication provisions are terminated when they are
- 2 no longer necessary or appropriate; and
- 3 (d) future dedication provisions are established
- 4 according to legislative priorities and sound principles of
- 5 revenue dedication.

5 Section 2. Definition. As used in [this act],
6 "dedicated revenue provision" means an administrative or
7 legislative action which allocates the revenue from a tax,
8 fee, or other source for a particular program or function.

10 Section 3. Dedicated revenue provisions to terminate.

11 (1) The following dedicated revenue provisions shall
12 terminate on July 1, 1983:

13 Corporation license tax (public school equalization)

14 15-1-501

15 Individual income tax (public school equalization)

17 Coal severance tax (acquisition of parksites, public
18 school equalization, county land planning, local coal
19 impacts, coal area highway improvement, alternative energy
20 research, renewable resources bond, miscellaneous cultural
21 and aesthetic projects, park acquisition, education trust
22 fund)

23	Temporary special fuel permit fee	15-70-312
24	Liquid petroleum gas license tax	15-71-104
25	Additional beer tax	16-1-433

1	Beer tax revenue allocation	16-1-410	1	Podiatrists license and examination fees	37-6-305
2	Cigarette sales tax (long-range building program)		2	Pharmacists license and examination fees and deposit of fines	37-7-324
3		16-11-119	3		
4	Cigarette sales license tax	16-11-124	4	Nursing and licensed practical nursing license and examination fees	37-8-432
5	Cigarette sales tax (long-range building program)		5		
6		17-5-408	6	Nursing home license and administrator examination fees	
7	Corporation license tax (long-range building program)		7		37-9-306
8		17-5-408	8	Optometrists license and examination fees	37-10-203
9	Individual income tax (long-range building program)		9	Optometrists -- deposit of fines	37-10-313
10		17-5-408	10	Physical therapists license fee	37-11-203
11	State contribution to police retirement fund	19-9-702	11	Physical therapists examination fee	37-11-304
12	Premium taxes to firefighters' retirement fund	19-11-513	12	Out-of-state physical therapists license fee	37-11-307
13	Premium tax to volunteer firefighters' fund	19-12-301	13	Chiropractors license fee	37-12-308
14	Traffic education account	20-7-504, (61-5-111)	14	Radiologic technologists license and examination fee	
15	Certificate of ownership for snowmobile fee	23-2-611	15		37-14-311
16	Transfer of interest in snowmobile fee	23-2-612	16	Speech pathologists and audiologists license fee	
17	Nonresident temporary use permit fee	23-2-615	17		37-15-310
18	Snowmobile registration and decal fee	23-2-616	18	Hearing aid dispensers license fee	37-16-408
19	Snowmobile dealer registration certificate fee	23-2-619	19	Psychologists license fee	37-17-307
20	Gross receipts tax on boxing, sparring, and wrestling		20	Veterinary medicine license and examination fee	
21	matches	23-3-206	21		37-18-308
22	Horseracing license fee	23-4-201	22	Morticians license fee	37-19-307
23	M.D. Medical license and examination fee	37-3-314	23	Barbers license, examination, and inspection fees	
24	D.D.S. Dental license and examination fee	37-4-202	24		37-30-201
25	Osteopathic physicians license fee	37-5-202	25	Cosmetologists license, examination, and inspection fees	

1		37-31-324	1	Employment agency license fee	39-5-205
2	Electrologists license fee	37-32-305	2	Boiler engineers license fees	50-75-106
3	Massage therapy license fee	37-33-307	3	Gasoline dealers license tax (snowmobiles, state parks)	
4	Sanitarian license and examination fees	37-40-305	4		60-3-201
5	Water treatment plant operator certificate fee and		5	Motor vehicle security interest filing fee	61-3-103
6	investment of income	37-42-309	6	Issuance of certificate of ownership of motor vehicle	
7	Water well contractors license fee	37-43-303	7	fee	61-3-203
8	Public accountants license and examination fees		8	Lost certificate replacement fee	61-3-204
9		37-50-315	9	Registration of vehicles fee	61-3-321
10	Board of realty regulation -- receipt of funds	37-51-208	10	Personalized license plates fee	61-3-406
11	Real estate license fee	37-51-311	11	Sales tax on new motor vehicles	61-3-502
12	Title abstractors license and examination fees	37-52-305	12	Motor vehicle dealers license fee	61-4-102
13	Private investigators license, examination, and		13	License fees to earmarked revenue account	61-4-211
14	application fees	37-60-313	14	Permit and transit plates fee	61-4-301
15	Architects examination fee	37-65-304	15	Disposition of funds collected for trip fees	61-4-303
16	Architects license fee	37-65-307	16	Aviation gasoline license tax	67-1-301
17	Landscape architects license and examination fees		17	Environmental quality variance application filing fee	
18		37-66-307	18		75-2-212
19	Engineers and surveyors license and reexamination fees		19	Junk vehicle facility license and disposal fee	75-10-532
20		37-67-317	20	Subdivision notice of intention and regulation fees	
21	Electricians license and safety inspection and		21		76-4-1108
22	examination fees	37-68-313	22	Floodway obstruction removal fund	76-5-207
23	Plumbers license and examination fees	37-69-308	23	Fire protection tax	75-13-209
24	Heating, ventilation, and air conditioning installers		24	Portable sawmill license fee	75-13-503
25	license fee	37-70-305	25	Commercial feed inspection fees and investment income	

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1		80-9-207	1	Tobacco tax	16-11-206
2	Fertilizer tax	80-10-103	2	Investment income (long-range building sinking fund)	
3	Commercial fertilizer inspection and testing fees and		3		17-5-304
4	investment income	80-10-207	4	Investment income (long-range building fund)	17-5-403
5	Commercial fertilizer sampling deficiency penalties		5	Surplus property handling fee	18-5-203
6		80-10-208	6	Department of fish, wildlife, and parks -- admission	
7	Wheat and barley sales tax and research and marketing		7	fees	23-1-105
8	Income	80-11-210	8	Improper motorboat certification fines	23-2-507
9	Brand recordation fee	81-3-107	9	Snowmobile regulation fines	23-2-644
10	Predator control license fee	81-7-119	10	Racemeets -- fines for violations	23-4-202, 23-4-305
11	Livestock market certificate fee	81-8-256	11	Parimutual betting gross receipts tax	23-4-304
12	Livestock brokers and dealers license fee	81-8-276	12	Racemeets -- fines for violations	23-4-305
13	Livestock security interest filing fee	81-8-304	13	Real estate broker-salesman examination fee	37-51-310
14	Hide dealers or buyers license fee	81-9-411	14	Workers' compensation plan fees and uninsured employer	
15	Milk distributor and producer fees	81-23-202	15	fines	39-71-201
16	Strip- and underground-mining reclamation fund	82-4-113	16	Construction regulation inspection fees	50-60-104
17	Coal and uranium mine reclamation fund	82-4-241	17	Plumbing installation permit fees	50-60-500
18	Hard-rock mining account	82-4-311	18	Electrical installation inspection fees	50-60-604
19	Oil and gas well drilling permit fees, privilege and		19	City motor vehicle fines (crime victims compensation	
20	license tax, and investment of income by board	82-11-135	20	account)	53-9-109
21	Weather modification license and permit fee	85-3-213	21	Water analysis inspection fee	75-6-104
22	(2) The following dedicated revenue provisions shall		22	Filing fees under Major Facility Siting Act	75-20-112
23	terminate on July 1, 1985:		23	Grass conservation districts grazing fees	76-16-106
24	Supreme court fees	3-2-404	24	Official grain inspection fee and investment of income	
25	Wine tax	16-1-411	25		80-4-119

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1 reestablishment is not recommended, the committee shall
2 propose a bill to make necessary revisions of the law to
3 reflect the termination.

4 Section 6. Effect of termination. Upon termination,
5 each revenue source shall be deposited in the general fund.
6 If the legislature has appropriated this dedicated revenue,
7 the appropriation shall be considered to have been made from
8 the general fund. All assets, liabilities, and fund balances
9 of accounts terminated under these provisions shall accrue
10 to the general fund.

11 Section 7. Reestablishment. Any dedicated revenue
12 provision that is scheduled for termination under [this act]
13 may be reestablished by the legislature for any period of
14 time, not to exceed 4 years. At the end of the period, the
15 legislature shall again review the provisions pursuant to
16 [section 5] and may again reestablish, modify, or allow the
17 termination of the provision pursuant to [this act].

18 Section 8. Consistency with LC 180. If ___ Bill ___ (LC
19 180) passes, references to sections 15-35-108{2}(f),
20 16-1-408, 16-1-410, and 75-10-532, relating to county land
21 planning, and 16-1-404, and 16-1-411, MCA, are deleted from
22 [section 3], and the code commissioner shall codify [section
23 3] accordingly.

-End-

STATE OF MONTANA

REQUEST NO. 4-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 6, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 12 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

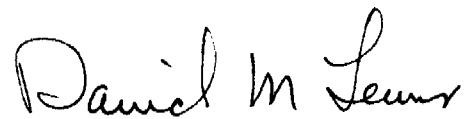
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to establish periodic review of revenue dedications and sunsetting such dedications.

Fiscal Impact

No additional cost. It is the basic function of the Legislative Council and other permanent legislative agencies to conduct assigned studies. If this legislation is enacted in its current form, the Legislative Council would either designate an interim committee to conduct the study or request a permanent legislative committee to do so. Study funds would be derived from appropriations made generally for the purpose of conducting studies.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-10-81