

HB 824 INTRODUCED BY MCCORMICK, ET AL.  
ESTABLISH FIREARM MISUSE TAX ACT; CREATE HIGHWAY  
CRIMESTOPPER BOARD AND PROGRAM

2/18 INTRODUCED  
2/18 REFERRED TO JUDICIARY  
2/19 FISCAL NOTE REQUESTED  
2/20 HEARING  
2/20 TABLED IN COMMITTEE  
2/24 FISCAL NOTE RECEIVED

1 HB 824 BILL NO. 824  
2 INTRODUCED BY McLennan Pistoria

3  
4 A BILL FOR AN ACT ENTITLED: "THE FIREARM MISUSE TAX ACT;  
5 ESTABLISHING A FIREARMS CRIMESTOPPERS PROGRAM; AND AMENDING  
6 SECTION 17-7-502, MCA."

7  
8 WHEREAS, Montana taxpayers pay \$100,000 each year to  
9 replace highway signs on state, county, and private property  
10 that have been destroyed as a result of the blatant misuse  
11 of firearms.

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 NEW SECTION. Section 1. Short title. [Sections 1  
15 through 6] may be cited as the "Firearm Misuse Tax Act".

16 NEW SECTION. Section 2. Purpose. The purpose of  
17 [sections 1 through 6] is to impose a tax to reimburse those  
18 funds appropriated to replace highway signs on public and  
19 private property that have been destroyed by the misuse of  
20 firearms.

21 NEW SECTION. Section 3. Tax on retailers -- game tags  
22 -- disposition. (1) A retailer shall pay a tax of 20% on the  
23 suggested retail price of firearms, firearm accessories, and  
24 ammunition.

25 (2) A tax of \$1 must be added to the price of each big

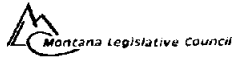
1 game animal tag issued.

2 (3) Beginning July 1, 1987, the taxes imposed by  
3 subsections (1) and (2) are due the last day of each quarter  
4 and must be deposited in the general fund.

5 NEW SECTION. Section 4. Account established. There is  
6 an account in the state special revenue fund. Money from  
7 taxes imposed under [section 3] must be deposited into the  
8 account. The money in the account is statutorily  
9 appropriated, as provided in 17-7-502, to the department of  
10 highways to fund the replacement of highway signs on public  
11 and private property that have been destroyed by the misuse  
12 of firearms.

13 NEW SECTION. Section 5. Tax suspension --  
14 reinstatement -- adjustment by governor. The governor may  
15 either suspend or reinstate following suspension the tax on  
16 retailers as provided for in [section 3] upon a  
17 determination that the destruction of highway signs on  
18 public or private property through the misuse of firearms  
19 has either subsided or increased.

20 NEW SECTION. Section 6. Disbursement of tax revenue.  
21 Each July and January, upon the submission of a request on a  
22 form prescribed by the department of highways, by a county,  
23 agency, or department head, the department shall disburse  
24 funds from the account established in [section 4] for  
25 property damage caused by firearm misuse.



-2- INTRODUCED BILL  
HB 824

1        NEW SECTION. Section 7. Definitions. As used in  
2 [sections 7 and 9 through 12], the following definitions  
3 apply:

4        (1) "Board" means the firearms crimestoppers board  
5 created in [section 8].

6        (2) "Department" means the department of highways  
7 provided for in 2-15-2501.

8        (3) "Program" means the firearms crimestoppers program  
9 created in [section 11].

10       NEW SECTION. Section 8. Firearms crimestoppers board.

11       (1) There is a firearms crimestoppers board.

12       (2) The board consists of five members appointed for  
13 2-year terms by the director of the department of highways.

14       (3) The board shall elect a chairman from its members.

15       (4) A vacancy must be filled within 14 days of  
16 occurrence in the same manner as the original appointment,  
17 and a vacancy does not impair the right of the remaining  
18 members to exercise the powers of the board.

19       (5) The board is allocated to the department for  
20 administrative purposes only as provided in 2-15-121.

21       NEW SECTION. Section 9. Functions of board. The board  
22 shall recommend to the department:

23       (1) the names of individuals to be rewarded for  
24 providing information used in detecting and combating crimes  
25 related to firearm misuse;

1        (2) the amount of any reward; and

2        (3) means for promoting the program.

3        NEW SECTION. Section 10. Expenses of board members.  
4 Members of the board are entitled to no salary but are  
5 entitled to expenses incurred while on official business, as  
6 provided in 2-18-501 through 2-18-503.

7        NEW SECTION. Section 11. Powers and duties of  
8 department -- rules. (1) The department shall:

9        (a) create, maintain, and promote a statewide firearms  
10 crimestoppers program in order to assist law enforcement  
11 agencies in detecting and combating crimes involving the  
12 misuse of firearms; and

13        (b) consider the board's recommendations and take  
14 action on them.

15        (2) The department may:

16        (a) advise and assist in the creation and maintenance  
17 of local programs;

18        (b) encourage the channeling of information from state  
19 and local programs to law enforcement agencies;

20        (c) foster the detection by the public of firearm  
21 misuse crimes;

22        (d) encourage the public, through a reward program or  
23 otherwise, to provide information that assists in the  
24 prosecution of crimes related to firearm misuse;

25        (e) promote gifts, grants, or donations for the

1 furtherance of the program and use these in compliance with  
2 the conditions of the gifts, grants, or donations; and

3 (f) adopt rules necessary to administer the provisions  
4 of [sections 1 through 12].

5 NEW SECTION. Section 12. Confidentiality. The  
6 identity of a person submitting information under the  
7 program and any information that may lead to the disclosure  
8 of such identity are confidential.

9 Section 13. Section 17-7-502, MCA, is amended to read:

10 "17-7-502. Statutory appropriations -- definition --  
11 requisites for validity. (1) A statutory appropriation is an  
12 appropriation made by permanent law that authorizes spending  
13 by a state agency without the need for a biennial  
14 legislative appropriation or budget amendment.

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

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

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

23 (3) The following laws are the only laws containing  
24 statutory appropriations:

25 (a) 2-9-202;

- 1 (b) 2-17-105;
- 2 (c) 2-18-812;
- 3 (d) 10-3-203;
- 4 (e) 10-3-312;
- 5 (f) 10-3-314;
- 6 (g) 10-4-301;
- 7 (h) 13-37-304;
- 8 (i) 15-31-702;
- 9 (j) 15-36-112;
- 10 (k) 15-70-101;
- 11 (l) 16-1-404;
- 12 (m) 16-1-410;
- 13 (n) 16-1-411;
- 14 (o) 17-3-212;
- 15 (p) 17-5-404;
- 16 (q) 17-5-424;
- 17 (r) 17-5-804;
- 18 (s) 19-8-504;
- 19 (t) 19-9-702;
- 20 (u) 19-9-1007;
- 21 (v) 19-10-205;
- 22 (w) 19-10-305;
- 23 (x) 19-10-506;
- 24 (y) 19-11-512;
- 25 (z) 19-11-513;

1 (aa) 19-11-606;  
 2 (bb) 19-12-301;  
 3 (cc) 19-13-604;  
 4 (dd) 20-6-406;  
 5 (ee) 20-8-111;  
 6 (ff) 23-5-612;  
 7 (gg) 37-51-501;  
 8 (hh) 53-24-206;  
 9 (ii) 75-1-1101;  
 10 (jj) 75-7-305;  
 11 (kk) 80-2-103;  
 12 (ll) 80-2-228;  
 13 (mm) 90-3-301;  
 14 (nn) 90-3-302;  
 15 (oo) 90-15-103; and  
 16 (pp) [section 4]; and  
 17 (qq) Sec. 13, HB 861, L. 1985.  
 18 (4) There is a statutory appropriation to pay the  
 19 principal, interest, premiums, and costs of issuing, paying,  
 20 and securing all bonds, notes, or other obligations, as due,  
 21 that have been authorized and issued pursuant to the laws of  
 22 Montana. Agencies that have entered into agreements  
 23 authorized by the laws of Montana to pay the state  
 24 treasurer, for deposit in accordance with 17-2-101 through  
 25 17-2-107, as determined by the state treasurer, an amount

1 sufficient to pay the principal and interest as due on the  
 2 bonds or notes have statutory appropriation authority for  
 3 such payments."

4 NEW SECTION. Section 14. Extension of authority. Any  
 5 existing authority of the department of highways to make  
 6 rules on the subject of the provisions of this act is  
 7 extended to the provisions of this act.

8 NEW SECTION. Section 15. Codification instructions.  
 9 (1) Sections 1 through 6 are intended to be codified as an  
 10 integral part of Title 15, chapter 30, and the provisions of  
 11 Title 15, chapter 30, apply to sections 1 through 6.

12 (2) Sections 7 and 9 through 12 are intended to be  
 13 codified as an integral part of Title 60, chapter 2, part 2,  
 14 and the provisions of Title 60, chapter 2, part 2, apply to  
 15 sections 7 and 9 through 12.

16 (3) Section 8 is intended to be codified as an  
 17 integral part of Title 2, chapter 15, part 25, and the  
 18 provisions of Title 2, chapter 15, part 25, apply to section  
 19 8.

-End-