

HB 874 INTRODUCED BY MANUEL, ET AL.  
USER FEE FOR SOIL SURVEY

3/10 INTRODUCED

3/10 REFERRED TO AGRICULTURE, LIVESTOCK &  
IRRIGATION

3/10 FISCAL NOTE REQUESTED

3/13 FISCAL NOTE RECEIVED  
DIED IN COMMITTEE

1 House BILL NO. 874  
2 INTRODUCED BY Harold Trevis  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE  
5 COLLECTION OF A USER FEE ON PRIVATE AND STATE AGRICULTURAL  
6 LANDS FOR THE PURPOSE OF ACCELERATING A STATEWIDE SOIL  
7 SURVEY AND MAPPING PROGRAM; AMENDING SECTION 17-7-502, MCA;  
8 AND PROVIDING A RETROACTIVE APPLICABILITY DATE, AN IMMEDIATE  
9 EFFECTIVE DATE, AND A TERMINATION DATE."  
10

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

12 NEW SECTION. Section 1. User fee to be collected for  
13 soil survey. The county commissioners of each county shall  
14 impose a user fee of 0.3 cents an acre on private and state  
15 agricultural land, as defined in 15-7-202, within the  
16 county. The user fees must be collected in the same manner  
17 and at the same time as property taxes are collected. The  
18 user fees collected must be deposited in the account  
19 established in [section 2] for the purpose of accelerating a  
20 statewide soil survey and mapping program. These fees are to  
21 supplement federal funds appropriated for completion of the  
22 program.

23 NEW SECTION. Section 2. Soil survey acceleration  
24 account. There is a soil survey acceleration account within  
25 the state special revenue fund established in 17-2-102. All

1 user fees collected under [section 1] must be paid into the  
2 soil survey acceleration account for use by the department  
3 of natural resources and conservation to accelerate a  
4 statewide soil survey and mapping program.

5 NEW SECTION. Section 3. Statutory appropriation. All  
6 money in the soil survey acceleration account is statutorily  
7 appropriated, as provided in 17-7-502, to the department of  
8 natural resources and conservation for the purpose of  
9 accelerating a statewide soil survey and mapping program.

10 Section 4. Section 17-7-502, MCA, is amended to read:

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

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

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

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

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



INTRODUCED BILL  
HB-874

1 (a) 2-9-202;  
 2 (b) 2-17-105;  
 3 (c) 2-18-812;  
 4 (d) 10-3-203;  
 5 (e) 10-3-312;  
 6 (f) 10-3-314;  
 7 (g) 10-4-301;  
 8 (h) 13-37-304;  
 9 (i) 15-31-702;  
 10 (j) 15-36-112;  
 11 (k) 15-70-101;  
 12 (l) 16-1-404;  
 13 (m) 16-1-410;  
 14 (n) 16-1-411;  
 15 (o) 17-3-212;  
 16 (p) 17-5-404;  
 17 (q) 17-5-424;  
 18 (r) 17-5-804;  
 19 (s) 19-8-504;  
 20 (t) 19-9-702;  
 21 (u) 19-9-1007;  
 22 (v) 19-10-205;  
 23 (w) 19-10-305;  
 24 (x) 19-10-506;  
 25 (y) 19-11-512;

1 (z) 19-11-513;  
 2 (aa) 19-11-606;  
 3 (bb) 19-12-301;  
 4 (cc) 19-13-604;  
 5 (dd) 20-6-406;  
 6 (ee) 20-8-111;  
 7 (ff) 23-5-612;  
 8 (gg) 37-51-501;  
 9 (hh) 53-24-206;  
 10 (ii) 75-1-1101;  
 11 (jj) 75-7-305;  
 12 (kk) 80-2-103;  
 13 (ll) 80-2-228;  
 14 (mm) 90-3-301;  
 15 (nn) 90-3-302;  
 16 (oo) 90-15-103; and  
 17 (pp) Sec. 13, HB 861, L. 1985; and  
 18 (qq) [section 3].  
 19 (4) There is a statutory appropriation to pay the  
 20 principal, interest, premiums, and costs of issuing, paying,  
 21 and securing all bonds, notes, or other obligations, as due,  
 22 that have been authorized and issued pursuant to the laws of  
 23 Montana. Agencies that have entered into agreements  
 24 authorized by the laws of Montana to pay the state  
 25 treasurer, for deposit in accordance with 17-2-101 through

1 17-2-107, as determined by the state treasurer, an amount  
2 sufficient to pay the principal and interest as due on the  
3 bonds or notes have statutory appropriation authority for  
4 such payments."

5 NEW SECTION. Section 5. Extension of authority. Any  
6 existing authority of the department of natural resources  
7 and conservation to make rules on the subject of the  
8 provisions of this act is extended to the provisions of this  
9 act.

10 NEW SECTION. Section 6. Coordination instruction. If  
11 House Bill No.6, including funding for Montana's accelerated  
12 soil survey program, is passed and approved, this act is  
13 void.

14 NEW SECTION. Section 7. Applicability. This act  
15 applies to taxable years beginning after December 31, 1986.

16 NEW SECTION. Section 8. Effective date. This act is  
17 effective on passage and approval.

18 NEW SECTION. Section 9. Termination. This act  
19 terminates 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 HB874, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill would provide for the collection of a user fee on private and state agricultural lands for the purpose of accelerating a statewide soil survey and mapping program; and providing a retroactive applicability date, an immediate effective date, and a termination date.

ASSUMPTIONS:

1. There are 56,395,032 acres of agricultural land in Montana (Department of Natural Resources & Conservation).
2. The Department of Revenue assumes that it would assess soil survey user fees for agricultural properties in the state; and that county computers would have to be modified at \$1,000 per county x 10 counties. The Property Assessment Division estimates that entering data in computers and attaching fee liabilities to real property statements would require 11 FTE at grade 7, step 2.
3. Assume that soil survey work will be contracted with U.S. Soil Conservation Service, which is presently conducting soil survey work.
4. This proposed legislation will sunset January 1, 1992. Revenues and expenditures would remain at the estimated levels through FY92.
5. It is assumed that an appropriation will be made to those agencies requiring funding.
6. The Department of State Lands would have to pay .003 per acre on 4,500,000 acres of school trust land for soil surveys and mapping.

FISCAL IMPACT:Expenditures:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal	\$ 0	\$ 154,495	\$ 154,495	\$ 0	\$ 154,495	\$ 154,495
Operating	0	53,500	53,500	0	13,500	13,500
Equipment	0	0	0	0	0	0
TOTAL	\$ 0	\$ 207,995	\$ 207,995	\$ 0	\$ 167,995	\$ 167,995

Revenues:

Soil Survey						
Acceleration	\$ 0	\$ 169,185	\$ 169,185	\$ 0	\$ 169,185	\$ 169,185
General Fund	0	13,500	13,500	0	0	0
Net Effect	\$ 0	\$ (25,310)	\$ (25,310)	\$ 0	\$ 1,190	\$ 1,190

*David L. Hunter*

DATE 3/13/87

DAVID L. HUNTER, BUDGET DIRECTOR  
Office of Budget and Program Planning

*Rex Manuel*

DATE

REX MANUEL, PRIMARY SPONSOR

Fiscal Note for HB874, as introduced.

**HB 874**