

SENATE BILL NO. 177

INTRODUCED BY YELLOWTAIL, SANDS, COBB, GRADY, LORY,  
REGAN, BISHOP, M. WILLIAMS, HANSEN, KITSELMAN,  
REAM, PECK, WALLIN, MAZUREK

IN THE SENATE

JANUARY 21, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FISH & GAME.

FEBRUARY 11, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 12, 1987                   PRINTING REPORT.

FEBRUARY 14, 1987                   SECOND READING, DO PASS AS AMENDED.

FEBRUARY 16, 1987                   ENGROSSING REPORT.

FEBRUARY 17, 1987                   THIRD READING, PASSED.  
AYES, 47; NOES, 3.

                                  TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON TAXATION.

APRIL 6, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

APRIL 9, 1987                    SECOND READING, CONCURRED IN.

APRIL 10, 1987                   THIRD READING, CONCURRED IN.  
AYES, 65; NOES, 28.

                                  RETURNED TO SENATE.

IN THE SENATE

APRIL 13, 1987                    RECEIVED FROM HOUSE.  
SENT TO ENROLLING.

1 *Bishop*  
 2 *Senate* BILL NO. *177* *M. Williams*  
 3 INTRODUCED BY *Yellowtail* *John* *Bob Brady* *Log*  
 4 *Richard* *Ritsemann* *Rean* *Pack* *William* *He*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE  
 5 THE NONGAME WILDLIFE CHECKOFF PROGRAM; TO REMOVE THE  
 6 REQUIREMENT THAT CHECKOFF CONTRIBUTIONS REPLACE LICENSE FEE  
 7 FUNDING FOR THE NONGAME WILDLIFE PROGRAM; AND AMENDING  
 8 SECTIONS 87-5-121 AND 87-5-123, MCA, AND SECTION 7, CHAPTER  
 9 627, LAWS OF 1983."

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

12 Section 1. Section 87-5-121, MCA, is amended to read:  
 13 "87-5-121. Nongame wildlife account. (1) There is a  
 14 nongame wildlife account in the state special revenue fund  
 15 provided for in 17-2-102.

16 (2) All money collected under 15-30-150 and all  
 17 interest earned by the fund before being expended under this  
 18 section must be deposited in the account, ~~except as provided~~  
 19 ~~in subsection (6).~~

20 (3) Money in the account must be used by the  
 21 department, upon the approval of the commission as  
 22 determined under 87-5-122, to provide adequate funding for:

- 23 (a) research and education programs on nongame
- 24 wildlife in Montana, as provided for in 87-5-104; and
- 25 (b) any management programs for nongame wildlife

1 approved by the legislature under 87-5-105 as species or  
 2 subspecies in need of management.

3 (4) The money is available to the department in the  
 4 same manner as provided in 87-1-601, except that no money  
 5 collected under 15-30-150 may be used:

- 6 (a) for the purchase of any real property; or
- 7 (b) in such a way as to interfere with the production
- 8 on or management of private property.

9 ~~(5) Money derived from tax checkoff contributions to~~  
 10 ~~the account will replace license fee funding for nongame~~  
 11 ~~wildlife programs after June 30, 1987, and may not be used~~  
 12 ~~to replace money that would otherwise be appropriated for~~  
 13 ~~nongame wildlife programs.~~

14 ~~(6) The department of revenue may deduct from~~  
 15 ~~collections an amount not to exceed \$7,884 in fiscal year~~  
 16 ~~1986 and \$7,884 in fiscal year 1987 for administering the~~  
 17 ~~voluntary checkoff program. The department is authorized to~~  
 18 ~~spend the amounts and hire necessary personnel and shall~~  
 19 ~~provide an itemized accounting to the legislative finance~~  
 20 ~~committee of the cost of administering the checkoff program~~  
 21 ~~during fiscal years 1986 and 1987.~~

22 Section 2. Section 87-5-123, MCA, is amended to read:  
 23 "87-5-123. Report. The department shall report to the  
 24 50th each legislature the results of any program using money  
 25 from the nongame wildlife account and shall list in detail

1 how the money collected was used."

2 Section 3. Section 7, Chapter 627, Laws of 1983, is  
3 amended to read:

4 "Section 7. Applicability ~~---termination.~~ (1) This  
5 act applies to tax returns which by law are required to be  
6 filed after January 1, 1984.

7 ~~(2) --This act shall terminate December 31, 1987.~~"

8 NEW SECTION. Section 4. Extension of authority. Any  
9 existing authority of the department of revenue and the  
10 department of fish, wildlife, and parks to make rules on the  
11 subject of the provisions of this act is extended to the  
12 provisions of this act.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB177, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill continues the non-game wildlife checkoff program; removes the prohibition of spending license dollars in the non-game wildlife program; and repeals the authority of the Department of Revenue to deduct administrative costs from the checkoff revenue.

ASSUMPTIONS:

1. This bill does not change the existing non-game wildlife tax checkoff program.
2. This bill repeals the prohibition of spending license dollars on the non-game wildlife program.
3. This bill repeals the authority of the Department of Revenue to deduct administrative costs from the checkoff revenue. The Department of Revenue requested \$8,200 per year for the 1988-89 biennium to administer the non-game checkoff program.
4. An additional appropriation would be needed by the Department of Revenue to compensate for expenses incurred administering the program.

FISCAL IMPACT:

Revenues:

	<u>Current Law</u>	<u>FY88 Proposed Law</u>	<u>Difference</u>	<u>FY89 Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Non-game Checkoff Revenue	\$15,300	\$23,500	\$8,200	\$15,300	\$23,500	\$8,200

*David L. Hunter* DATE 1/22/87

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

*William P. Yellowtail* DATE 1/26/87

WILLIAM P. YELLOWTAIL, PRIMARY SPONSOR

Fiscal Note for SB177, as introduced.

**SB-177**

APPROVED BY COMM.  
ON FISH AND GAME

1                   SENATE BILL NO. 177  
2           INTRODUCED BY YELLOWTAIL, SANDS, COBB, GRADY, LORY,  
3           REGAN, BISHOP, M. WILLIAMS, HANSEN, KITSELMAN,  
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6   A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE AND CONTINUE  
7   THE NONGAME WILDLIFE CHECKOFF PROGRAM; TO REMOVE THE  
8   REQUIREMENT THAT CHECKOFF CONTRIBUTIONS REPLACE LICENSE FEE  
9   FUNDING FOR THE NONGAME WILDLIFE PROGRAM; AND AMENDING  
10   SECTIONS 87-5-121 AND 87-5-123, MCA, AND SECTION 7, CHAPTER  
11   627, LAWS OF 1983."  
12  
13   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14       Section 1. Section 87-5-121, MCA, is amended to read:  
15       "87-5-121. Nongame wildlife account. (1) There is a  
16   nongame wildlife account in the state special revenue fund  
17   provided for in 17-2-102.  
18       (2) All money collected under 15-30-150 and all  
19   interest earned by the fund before being expended under this  
20   section must be deposited in the account, ~~except as provided~~  
21   ~~in subsection (6), EXCEPT AS PROVIDED IN SUBSECTION (5).~~  
22       (3) Money in the account must be used by the  
23   department, upon the approval of the commission as  
24   determined under 87-5-122, to provide adequate funding for:  
25       (a) research and education programs on nongame

1   wildlife in Montana, as provided for in 87-5-104; and  
2       (b) any management programs for nongame wildlife  
3   approved by the legislature under 87-5-105 as species or  
4   subspecies in need of management.  
5       (4) The money is available to the department in the  
6   same manner as provided in 87-1-601, except that no money  
7   collected under 15-30-150 may be used:  
8       (a) for the purchase of any real property; or  
9       (b) in such a way as to interfere with the production  
10   on or management of private property.  
11       ~~(5) Money derived from tax checkoff contributions to~~  
12   ~~the account will replace license fee funding for nongame~~  
13   ~~wildlife programs after June 30, 1985, and may not be used~~  
14   ~~to replace money that would otherwise be appropriated for~~  
15   ~~nongame wildlife programs.~~  
16       ~~(6) The department of revenue may deduct from~~  
17   ~~collections an amount not to exceed \$7,884 in fiscal year~~  
18   ~~1986 and \$7,884 in fiscal year 1987 for administering the~~  
19   ~~voluntary checkoff program. The department is authorized to~~  
20   ~~spend the amounts and hire necessary personnel and shall~~  
21   ~~provide an itemized accounting to the legislative finance~~  
22   ~~committee of the cost of administering the checkoff program~~  
23   ~~during fiscal years 1986 and 1987.~~  
24       (5) THE DEPARTMENT OF REVENUE MAY DEDUCT FROM  
25   COLLECTIONS AN AMOUNT NOT TO EXCEED \$1 FOR EACH TAX CHECKOFF

1 CONTRIBUTION FOR ADMINISTERING THE VOLUNTARY CHECKOFF  
2 PROGRAM. THE DEPARTMENT IS AUTHORIZED TO SPEND THE AMOUNT  
3 DEDUCTED AND TO HIRE NECESSARY PERSONNEL."

4 Section 2. Section 87-5-123, MCA, is amended to read:  
5 "87-5-123. Report. The department shall report to the  
6 50th each legislature the results of any program using money  
7 from the nongame wildlife account and shall list in detail  
8 how the money collected was used."

9 Section 3. Section 7, Chapter 627, Laws of 1983, is  
10 amended to read:

11 "Section 7. Applicability ~~---~~termination. ~~(1)~~ This  
12 act applies to tax returns which by law are required to be  
13 filed after January 1, 1984.

14 ~~(2)--This-act-shall-terminate-December-31-1987--"~~

15 NEW SECTION. Section 4. Extension of authority. Any  
16 existing authority of the department of revenue and the  
17 department of fish, wildlife, and parks to make rules on the  
18 subject of the provisions of this act is extended to the  
19 provisions of this act.

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THE NONGAME WILDLIFE CHECKOFF PROGRAM; TO REMOVE THE  
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FUNDING FOR THE NONGAME WILDLIFE PROGRAM; TO PROVIDE FOR  
CONTINGENT COLLECTION OF ADMINISTRATIVE COSTS; AND AMENDING  
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21 NEW SECTION. SECTION 5. CONTINGENCY AUTHORIZATION.  
 22 THE AUTHORIZATION FOR DEDUCTION OF ADMINISTRATIVE COSTS FOR  
 23 THE DEPARTMENT OF REVENUE IN 87-5-121(5) OF THIS ACT IS  
 24 CONTINGENT ON PASSAGE AND APPROVAL BY THE 50TH LEGISLATURE  
 25 OF LEGISLATION TO REQUIRE A SIMILAR DEDUCTION FOR

1 ADMINISTRATIVE COSTS FOR ALL VOLUNTARY INCOME TAX CHECKOFF  
 2 PROGRAMS AUTHORIZED BY LAW.

-End-



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