

HOUSE BILL NO. 41

INTRODUCED BY KADAS, JACOBSON

IN THE HOUSE

JULY 10, 1992                   INTRODUCED AND REFERRED TO COMMITTEE  
ON APPROPRIATIONS.

JULY 11, 1992                   FIRST READING.

                                  ON MOTION, ADDITIONAL SPONSOR ADDED.

JULY 15, 1992                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JULY 16, 1992                   PRINTING REPORT.

                                  SECOND READING, DO PASS AS AMENDED.

                                  ENGROSSING REPORT.

                                  THIRD READING, PASSED.  
AYES, 56; NOES, 41.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

JULY 16, 1992                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FINANCE & CLAIMS.

                                  FIRST READING.

JULY 17, 1992                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

                                  SECOND READING, CONCURRED IN AS  
AMENDED.

                                  THIRD READING, CONCURRED IN.  
AYES, 33; NOES, 17.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

JULY 18, 1992                   RECEIVED FROM SENATE.

                                  SECOND READING, AMENDMENTS  
CONCURRED IN.

THIRD READING, PASSED.  
AYES, 54; NOES, 40.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1                    House BILL NO. 41  
2     INTRODUCED BY Koder  
3  
4     A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE FUND  
5     BALANCE IN VARIOUS ACCOUNTS TO THE GENERAL FUND;  
6     TRANSFERRING \$220,000 FROM THE ACCOMMODATIONS TAX ACCOUNT TO  
7     THE GENERAL FUND; TRANSFERRING THE BALANCE AS OF SEPTEMBER  
8     1, 1992, FROM THE STATE TRAFFIC EDUCATION ACCOUNT TO THE  
9     GENERAL FUND; TRANSFERRING \$150,000 FROM THE CRIME VICTIMS  
10    COMPENSATION AND ASSISTANCE ACCOUNT TO THE GENERAL FUND;  
11    TRANSFERRING \$750,000 FROM THE HIGHWAY PATROL RETIREMENT  
12    CLEARING ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$67,000  
13    FROM THE FORESTRY SLASH DISPOSAL ACCOUNT TO THE GENERAL  
14    FUND; TRANSFERRING \$200,000 FROM THE AIR OPERATION INTERNAL  
15    SERVICE ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$450,000  
16    FROM THE JUNK VEHICLE DISPOSAL ACCOUNT TO THE GENERAL FUND;  
17    TRANSFERRING \$500,000 FROM THE RANGELAND IMPROVEMENT LOAN  
18    ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$1 MILLION FROM  
19    THE LIVESTOCK INSPECTION AND CONTROL ACCOUNT TO THE GENERAL  
20    FUND; TRANSFERRING \$550,000 FROM THE BUILDING CODES STATE  
21    SPECIAL REVENUE ACCOUNT TO THE GENERAL FUND; REQUIRING  
22    RESTITUTION MONEY RECEIVED BY THE DEPARTMENT OF LIVESTOCK  
23    RELATED TO AIRCRAFT PARTS TO BE DEPOSITED IN THE GENERAL  
24    FUND; AMENDING SECTIONS 15-65-121, 20-7-504, 50-60-508,  
25    53-9-109, 61-5-121, 75-10-532, 76-13-111, 76-13-415,

1     76-14-112, AND 81-3-107, MCA; AND PROVIDING AN IMMEDIATE  
2     EFFECTIVE DATE AND A TERMINATION DATE."  
3  
4     BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
5                    **Section 1.** Section 15-65-121, MCA, is amended to read:  
6                    "15-65-121. Distribution of tax proceeds -- general  
7     fund loan authority. (1) The Except as provided in  
8     subsection (5), the proceeds of the tax imposed by 15-65-111  
9     must be deposited in an account in the state special revenue  
10    fund to the credit of the department of revenue. The  
11    department may spend from that account in accordance with an  
12    expenditure appropriation by the legislature based on an  
13    estimate of the costs of collecting and disbursing the  
14    proceeds of the tax. Before allocating the balance of the  
15    tax proceeds as provided in subsections (1)(a) through  
16    (1)(c), the department shall determine the expenditures by  
17    state agencies for in-state lodging for each reporting  
18    period and deduct 4% of that amount from the tax proceeds  
19    received each reporting period. The amount deducted must be  
20    deposited in the general fund. The balance of the tax  
21    proceeds received each reporting period and not deducted  
22    pursuant to the expenditure appropriation or deposited in  
23    the general fund is statutorily appropriated, as provided in  
24    17-7-502, and must be transferred to an account in the state  
25    special revenue fund to the credit of the department of

1 commerce for tourism promotion and promotion of the state as  
 2 a location for the production of motion pictures and  
 3 television commercials, to the Montana historical society,  
 4 and to the university system, as follows:

5 (a) 1% to the Montana historical society to be used for  
 6 the installation or maintenance of roadside historical signs  
 7 and historic sites;

8 (b) 2.5% to the university system for the establishment  
 9 and maintenance of a Montana travel research program; and

10 (c) the balance of the proceeds as follows:

11 (i) 75% to be used directly by the department of  
 12 commerce;

13 (ii) except as provided in subsection (1)(c)(iii), 25%  
 14 to be distributed by the department to regional nonprofit  
 15 tourism corporations in the ratio of the proceeds collected  
 16 in each tourism region to the total proceeds collected  
 17 statewide;

18 (iii) if 25% of the proceeds collected annually within  
 19 the limits of a city or consolidated city-county exceeds  
 20 \$35,000, 50% of the amount available for distribution to the  
 21 regional nonprofit tourism corporation in the region where  
 22 the city or consolidated city-county is located is to be  
 23 distributed to the nonprofit convention and visitors bureau  
 24 in that city or consolidated city-county.

25 (2) If a city or consolidated city-county qualifies

1 under this section for funds but fails to either recognize a  
 2 nonprofit convention and visitors bureau or submit and gain  
 3 approval for an annual marketing plan as required in  
 4 15-65-122, then those funds must be allocated to the  
 5 regional nonprofit tourism corporation in the region in  
 6 which the city or consolidated city-county is located.

7 (3) If a regional nonprofit tourism corporation fails  
 8 to submit and gain approval for an annual marketing plan as  
 9 required in 15-65-122, then those funds otherwise allocated  
 10 to the regional nonprofit tourism corporation may be used by  
 11 the department of commerce for tourism promotion and  
 12 promotion of the state as a location for the production of  
 13 motion pictures and television commercials.

14 (4) The department of commerce may use general fund  
 15 loans for efficient implementation of this section.

16 (5) On or before September 1, 1992, the department  
 17 shall transfer \$220,000 from the state special revenue  
 18 account specified in subsection (1) to the general fund."

19 **Section 2.** Section 20-7-504, MCA, is amended to read:

20 "20-7-504. State traffic education account -- proceeds  
 21 earmarked for the account. (1) There is a traffic education  
 22 account in the treasury of the state of Montana. ~~There~~  
 23 Except as provided in subsection (4), there must be paid  
 24 into this account a portion of the fines and forfeitures  
 25 collected in any court except a justice's court from persons

1 apprehended or arrested by highway patrol officers or  
 2 department of transportation peace officers for any  
 3 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 4 through 10 of Title 61 relating to the operation or use of  
 5 motor vehicles in the following amounts:

- 6 (a) if a fine is imposed, 25% of the fine imposed;  
 7 (b) if multiple offenses are involved, 25% of the total  
 8 sum of all fines imposed;  
 9 (c) if a fine is suspended, in whole or in part, 25% of  
 10 the fine actually paid; and  
 11 (d) if any deposit of bail is made for an offense to  
 12 which this section applies and the bail is forfeited, 25% of  
 13 the forfeited bail.

14 (2) A portion of all money from the collection of fees  
 15 from driver's licenses, motorcycle endorsements, and  
 16 duplicate driver's licenses must be contributed to the  
 17 traffic education account as provided in 61-5-121.

18 (3) Money collected and accrued from motorcycle safety  
 19 training courses, designated grants, and motorcycle  
 20 registration fees or an amount equal to that amount must be  
 21 deposited in the state traffic education account as provided  
 22 in 20-7-513 and 20-7-514 and must be available to support  
 23 only approved motorcycle safety training courses,  
 24 appropriate motorcycle safety instructor training, and other  
 25 related motorcycle safety training activities.

1 {4} On September 1, 1992, the superintendent of public  
 2 instruction shall, after payments are made to schools,  
 3 transfer the balance remaining in the state traffic  
 4 education account to the general fund."

5 **Section 3.** Section 50-60-508, MCA, is amended to read:

6 **"50-60-508. Permit fees.** (1) The department of commerce  
 7 shall establish permit fees in accordance with the Montana  
 8 Administrative Procedure Act, and except as provided in  
 9 subsection (3), the fees shall be deposited to the state  
 10 special revenue fund of the department for use in the  
 11 administration and enforcement of this part and the Montana  
 12 state plumbing code.

13 (2) For the purpose of 50-60-505 through 50-60-513, a  
 14 sanitary plumbing outlet on or to which a plumbing fixture  
 15 or appliance may be set or attached shall be construed to be  
 16 a fixture. Fees for reconnection and retest of plumbing  
 17 systems in relocated buildings shall be based on the number  
 18 of plumbing fixtures, gas systems, water heaters, and the  
 19 like involved.

20 {3} On or before September 1, 1992, the department  
 21 shall transfer \$550,000 from the building codes state  
 22 special revenue account to the general fund."

23 **Section 4.** Section 53-9-109, MCA, is amended to read:

24 **"53-9-109. Crime victims compensation and assistance**  
 25 **account.** (1) There is a crime victims compensation and

1 assistance account in the state special revenue fund. There  
 2 shall be paid into this account 18% of the fines assessed  
 3 and bails forfeited, except those paid to a justice's court,  
 4 on all offenses involving a violation of chapter 3, part 1  
 5 of chapter 4, or chapters 5 through 10 of Title 61 that are  
 6 a result of citations or tickets issued by the highway  
 7 patrol. The Except as provided in subsection (2), the money  
 8 in the account is to be used solely for the purposes of this  
 9 part and for victims' assistance program coordination and  
 10 planning provided by the division. No Except as provided in  
 11 subsection (2), no fund balance in the account at the end of  
 12 a fiscal year may be deposited in the general fund.

13 (2) On or before September 1, 1992, the division shall  
 14 transfer \$150,000 from the crime victims compensation and  
 15 assistance account to the general fund."

16 **Section 5.** Section 61-5-121, MCA, is amended to read:

17 "61-5-121. (Temporary) **Disposition of fees.** (1) The  
 18 disposition of the fees from driver's licenses provided for  
 19 in 61-5-111(7)(a), motorcycle endorsements provided for in  
 20 61-5-111(7)(b), commercial vehicle operator's endorsements  
 21 provided for in 61-5-111(7)(c), and duplicate driver's  
 22 licenses provided for in 61-5-114 is as follows:

23 (a) The Except as provided in subsection (4), the  
 24 amount of 25% of each driver's license fee and of each  
 25 duplicate driver's license fee must be deposited into an

1 account in the state special revenue fund. The department  
 2 shall transfer the funds from this account to the Montana  
 3 highway patrol officers' retirement pension trust fund as  
 4 provided in 19-6-404. Funds transferred from the account are  
 5 statutorily appropriated, as provided in 17-7-502, to the  
 6 pension trust fund.

7 (b) (i) If the fees are collected by a county treasurer  
 8 or other agent of the department, the amount of 3.75% of  
 9 each driver's license fee and of each duplicate driver's  
 10 license fee must be deposited into the county general fund.

11 (ii) Except as provided in subsection (3), if the fees  
 12 are collected by the department, the amount provided for in  
 13 subsection (1)(b)(i) must be deposited into the state  
 14 special revenue fund for use by the department to defray the  
 15 costs of issuing licenses or duplicate licenses.

16 (c) (i) If the fee is collected by a county treasurer  
 17 or other agent of the department, the amount of 5% of each  
 18 motorcycle endorsement must be deposited into the county  
 19 general fund.

20 (ii) Except as provided in subsection (3), if the fee is  
 21 collected by the department, the amount provided for in  
 22 subsection (1)(c)(i) must be deposited into the state  
 23 special revenue fund for use by the department to defray the  
 24 costs of issuing motorcycle endorsements.

25 (d) The amount of 17.5% of each driver's license fee

1 and of each duplicate driver's license fee must be deposited  
2 into the state traffic education account.

3 (e) The amount of 53.75% of each driver's license fee  
4 and of each duplicate driver's license fee must be deposited  
5 into the state general fund.

6 (f) If the fee is collected by the county treasurer or  
7 other agent of the department, the amount of 3.75% of each  
8 commercial vehicle operator's endorsement fee must be  
9 deposited into the county general fund, otherwise all of the  
10 fee must be deposited in the state general fund.

11 (g) The amount of 95% of each motorcycle endorsement  
12 fee must be deposited into the state traffic education  
13 account in the state special revenue fund.

14 (2) (a) If fees from driver's licenses, commercial  
15 vehicle operator's endorsements, motorcycle endorsements,  
16 and duplicate driver's licenses are collected by a county  
17 treasurer or other agent of the department, he shall deposit  
18 the amounts provided for in subsections (1)(b)(i) and  
19 (1)(c)(i) into the county general fund. He shall then remit  
20 to the state treasurer all remaining fees, together with a  
21 statement indicating what portion of each fee is to be  
22 deposited into the account in the state special revenue fund  
23 as provided in subsection (1)(a), the state traffic  
24 education account, and the state general fund. The state  
25 treasurer, upon receipt of the fees and statement, shall

1 deposit the fees as provided in subsections (1)(a) and  
2 (1)(d) through (1)(g).

3 (b) If fees from driver's licenses, commercial vehicle  
4 operator's endorsements, motorcycle endorsements, and  
5 duplicate driver's licenses are collected by the department,  
6 it shall remit all fees to the state treasurer, together  
7 with a statement indicating what portion of each fee is to  
8 be deposited into the account in the state special revenue  
9 fund as provided in subsection (1)(a), the state special  
10 revenue fund, the state traffic education account, and the  
11 state general fund. The state treasurer, upon receipt of the  
12 fees and statement, shall deposit the fees as provided in  
13 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
14 through (1)(g).

15 (3) On or before June 30, 1993, the balance in the  
16 driver's license collections account in the state special  
17 revenue fund collected pursuant to subsections (1)(b)(ii)  
18 and (1)(c)(ii) must be transferred to the general fund.

19 (4) On or before September 1, 1992, the department  
20 shall transfer \$750,000 from the state special revenue fund  
21 provided for in subsection (1)(a) to the general fund.  
22 (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January  
23 1992.)

24 61-5-121. (Effective July 1, 1993) Disposition of fees.  
25 (1) The disposition of the fees from driver's licenses

1 provided for in 61-5-111(7)(a), motorcycle endorsements  
 2 provided for in 61-5-111(7)(b), commercial vehicle  
 3 operator's endorsements provided for in 61-5-111(7)(c), and  
 4 duplicate driver's licenses provided for in 61-5-114 is as  
 5 follows:

6 (a) The amount of 25% of each driver's license fee and  
 7 of each duplicate driver's license fee must be deposited  
 8 into an account in the state special revenue fund. The  
 9 department shall transfer the funds from this account to the  
 10 Montana highway patrol officers' retirement pension trust  
 11 fund as provided in 19-6-404. Funds transferred from the  
 12 account are statutorily appropriated, as provided in  
 13 17-7-502, to the pension trust fund.

14 (b) (i) If the fees are collected by a county treasurer  
 15 or other agent of the department, the amount of 3.75% of  
 16 each driver's license fee and of each duplicate driver's  
 17 license fee must be deposited into the county general fund.

18 (ii) If the fees are collected by the department, the  
 19 amount provided for in subsection (1)(b)(i) must be  
 20 deposited into the general fund.

21 (c) (i) If the fee is collected by a county treasurer  
 22 or other agent of the department, the amount of 5% of each  
 23 motorcycle endorsement must be deposited into the county  
 24 general fund.

25 (ii) If the fee is collected by the department, the

1 amount provided for in subsection (1)(c)(i) must be  
 2 deposited into the general fund.

3 (d) The amount of 17.5% of each driver's license fee  
 4 and of each duplicate driver's license fee must be deposited  
 5 into the state traffic education account.

6 (e) In addition to the amounts deposited pursuant to  
 7 subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75%  
 8 of each driver's license fee and of each duplicate driver's  
 9 license fee must be deposited into the state general fund.

10 (f) If the fee is collected by the county treasurer or  
 11 other agent of the department, the amount of 3.75% of each  
 12 commercial vehicle operator's endorsement fee must be  
 13 deposited into the county general fund, otherwise all of the  
 14 fee must be deposited in the state general fund.

15 (g) The amount of 95% of each motorcycle endorsement  
 16 fee must be deposited into the state traffic education  
 17 account in the state special revenue fund.

18 (2) (a) If fees from driver's licenses, commercial  
 19 vehicle operator's endorsements, motorcycle endorsements,  
 20 and duplicate driver's licenses are collected by a county  
 21 treasurer or other agent of the department, he shall deposit  
 22 the amounts provided for in subsections (1)(b)(i) and  
 23 (1)(c)(i) into the county general fund. He shall then remit  
 24 to the state treasurer all remaining fees, together with a  
 25 statement indicating what portion of each fee is to be



1 deposited into the account in the state special revenue fund  
2 as provided in subsection (1)(a), the state traffic  
3 education account, and the state general fund. The state  
4 treasurer, upon receipt of the fees and statement, shall  
5 deposit the fees as provided in subsections (1)(a) and  
6 (1)(d) through (1)(g).

7 (b) If fees from driver's licenses, commercial vehicle  
8 operator's endorsements, motorcycle endorsements, and  
9 duplicate driver's licenses are collected by the department,  
10 it shall remit all fees to the state treasurer, together  
11 with a statement indicating what portion of each fee is to  
12 be deposited into the account in the state special revenue  
13 fund as provided in subsection (1)(a), the state special  
14 revenue fund, the state traffic education account, and the  
15 state general fund. The state treasurer, upon receipt of the  
16 fees and statement, shall deposit the fees as provided in  
17 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
18 through (1)(g)."

19 **Section 6.** Section 75-10-532, MCA, is amended to read:

20 "75-10-532. **Disposition of moneys collected.** ~~All~~ (1)  
21 Except as provided in subsection (2), all moneys received  
22 from the sale of the junk vehicles or from recycling of the  
23 material and all motor vehicle wrecking facility license  
24 fees and fees collected as motor vehicle disposal fees shall  
25 be deposited with the state treasurer to be utilized for:

1 ~~††~~(a) the control, collection, recycling, and disposal  
2 of junk vehicles and component parts; and

3 ~~††~~(b) implementation by the department of health and  
4 environmental sciences during the 1987 biennium of the  
5 federal Comprehensive Environmental Response, Compensation,  
6 and Liability Act of 1980 in accordance with 75-10-601  
7 through 75-10-604, and the Montana Hazardous Waste Act in  
8 accordance with 75-10-401 through 75-10-421, up to an amount  
9 not exceeding \$58,690.

10 (2) On or before September 1, 1992, the department  
11 shall transfer \$450,000 from the junk vehicle disposal  
12 account to the general fund."

13 **Section 7.** Section 76-13-111, MCA, is amended to read:

14 "76-13-111. **Permissible expenditures.** (1) The following  
15 funds may be expended as directed by the department for fire  
16 prevention, detection, suppression and for forest range,  
17 water, and soil conservation:

18 (a) all moneys collected by county treasurers as  
19 assessments on forest lands for forest protection;

20 (b) moneys collected for the abatement of public  
21 nuisances;

22 (c) all fines collected, except those collected in a  
23 justice's court, for violations of this part or part 2;

24 (d) the state's share of the cooperative fire  
25 protection funds allocated by the federal government;

1 (e) any other funds provided for the purposes herein  
2 indicated in this section.

3 (2) ~~All~~ Except as provided in 76-13-415(6), all other  
4 cooperative funds collected, appropriated, or allocated for  
5 the use of the department, including funds for the removal  
6 of slash hazards resulting from logging or other wood  
7 operations on state and private forest lands, those provided  
8 for the purpose of helping to maintain the maximum  
9 productivity of the forests of the state, those provided for  
10 purposes designed to assist the farmers of the state in the  
11 establishment of windbreaks and woodlots in localities where  
12 those forest plantings are helpful, and funds for other  
13 cooperative work, may not be expended except for the  
14 specific purposes for which they were collected,  
15 appropriated, or allocated."

16 **Section 8.** Section 76-13-415, MCA, is amended to read:

17 "76-13-415. Forestry extension service account --  
18 purpose -- appropriation. (1) There is a forestry extension  
19 service account in the current restricted fund provided for  
20 in 17-2-102.

21 (2) There must be deposited in the account:

22 (a) all revenue from the fire hazard reduction  
23 agreement provided for in 76-13-408(3);

24 (b) all revenue from the master fire hazard reduction  
25 agreement provided for in 76-13-414(3)(b); and

1 (c) except as provided in subsection (6), money  
2 received by the department of state lands in the form of  
3 legislative appropriations, reimbursements, gifts, federal  
4 funds, or appropriations from any source intended to be used  
5 for the purposes of this account.

6 (3) Money in the account is available to the Montana  
7 university system by appropriation for the uses set forth in  
8 subsection (4). Any unencumbered and unexpended balance of  
9 this account remaining at the end of a fiscal year does not  
10 lapse but must be carried forward for the purposes of this  
11 section until expended or appropriated.

12 (4) Except as provided in subsection (5), money in the  
13 account may be used by the university system only to fund  
14 forestry services through the Montana cooperative extension  
15 service of Montana state university. The forestry services  
16 must be conducted at Montana state university, the  
17 university of Montana, and Flathead Valley community  
18 college.

19 (5) The use of money in this account by the Montana  
20 university system is contingent upon the university system  
21 funding the extension service's forestry and natural  
22 resources program at a biennial level of at least \$108,000  
23 from sources other than the account.

24 (6) On or before September 1, 1992, the department  
25 shall transfer \$67,000 from the slash disposal account to

1 the general fund."

2 **Section 9.** Section 76-14-112, MCA, is amended to read:

3 **"76-14-112. Rangeland improvement loan special revenue**  
4 **account.** (1) There is created a rangeland improvement loan  
5 special revenue account within the state special revenue  
6 fund established in 17-2-102.

7 (2) There Except as provided in subsection (3), there  
8 must be allocated to the rangeland improvement loan  
9 earmarked account any principal and accrued interest  
10 received in repayment of a loan made under the rangeland  
11 improvement loan program and any fees or charges collected  
12 by the department pursuant to 76-14-116 for the servicing of  
13 loans, including arrangements for obtaining security  
14 interests.

15 (3) On or before September 1, 1992, the department  
16 shall transfer \$500,000 from the rangeland improvement loan  
17 special revenue account to the general fund."

18 **Section 10.** Section 81-3-107, MCA, is amended to read:

19 **"81-3-107. Fees for department.** (1) The department  
20 shall establish, charge and collect a fee for recording a  
21 new mark or brand, for recording a mark or brand transfer,  
22 or for rerecording a mark or brand. The department shall  
23 establish and charge a fee for providing a certified copy of  
24 a record and a duplicate certificate. The department may  
25 upon request research mark or brand histories and may charge

1 a fee of up to \$50 per mark or brand, based on time involved  
2 in research. All Except as provided in subsection (2), all  
3 fees collected shall be paid into the state special revenue  
4 fund for the use of the department. However, not more than  
5 10% of the net rerecording fees after all expenses of  
6 rerecording are paid may be expended in any one year except  
7 in case of an emergency declared by the governor.

8 (2) On or before September 1, 1992, the department  
9 shall transfer \$1 million from the state special revenue  
10 fund account specified in subsection (1) to the general  
11 fund."

12 **NEW SECTION. Section 11.** Air operation internal  
13 service account. On or before September 1, 1992, the  
14 department of state lands shall transfer \$200,000 from the  
15 air operation internal service account to the general fund.

16 **NEW SECTION. Section 12.** Receipt of restitution. After  
17 reimbursing the legislative auditor for auditing expenses  
18 incurred, the department of livestock shall deposit in the  
19 general fund any restitution money received for aircraft  
20 parts on or after [the effective date of this act].

21 **NEW SECTION. Section 13.** Severability. If a part of  
22 [this act] is invalid, all valid parts that are severable  
23 from the invalid part remain in effect. If a part of [this  
24 act] is invalid in one or more of its applications, the part  
25 remains in effect in all valid applications that are

1 severable from the invalid applications.

2 NEW SECTION. **Section 14.** Effective date --

3 termination. (1) [This act] is effective on passage and  
4 approval.

5 (2) [Sections 1 through 11] terminate September 2,  
6 1992.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

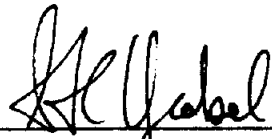
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0041, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act transferring the fund balance in various accounts to the general fund; transferring \$220,000 from the accommodations tax account to the general fund; transferring the balance as of September 1, 1992, from the state traffic education account to the general fund; transferring \$150,000 from the crime victims compensation and assistance account to the general fund; transferring \$750,000 from the highway patrol retirement clearing account to the general fund; transferring \$67,000 from the forestry slash disposal account to the general fund; transferring \$200,000 from the air operation internal service account to the general fund; transferring \$450,000 from the junk vehicle disposal account to the general fund; transferring \$500,000 from the rangeland improvement loan account to the general fund; transferring \$1 million from the livestock inspection and control account to the general fund; transferring \$550,000 from the building codes state special revenue account to the general fund; requiring restitution money received by the department of livestock related to aircraft parts to be deposited in the general fund; and providing an immediate effective date.

FISCAL IMPACT:


The proposed legislation would transfer at least \$4,187,000 to the general fund in fiscal year 1993. The amount of restitution money to be received by the Department of Livestock related to aircraft parts is unknown at this time as the matter is still under investigation and negotiation.



STEVE YEAREL, BUDGET DIRECTOR  
Office of Budget and Program Planning

7/11/92

DATE



MIKE KADAS, PRIMARY SPONSOR

7-11-92

DATE

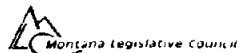
Fiscal Note for HB0041, as introduced

HB 41

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 HOUSE BILL NO. 41  
 2 INTRODUCED BY KADAS, JACOBSON  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE FUND  
 5 BALANCE IN VARIOUS ACCOUNTS TO THE GENERAL FUND;  
 6 TRANSFERRING \$220,000 FROM THE ACCOMMODATIONS TAX ACCOUNT TO  
 7 THE GENERAL FUND; TRANSFERRING THE BALANCE AS OF SEPTEMBER  
 8 1, 1992, FROM THE STATE TRAFFIC EDUCATION ACCOUNT TO THE  
 9 GENERAL FUND; TRANSFERRING \$150,000 \$100,000 FROM THE CRIME  
 10 VICTIMS COMPENSATION AND ASSISTANCE ACCOUNT TO THE GENERAL  
 11 FUND; TRANSFERRING \$750,000 FROM THE HIGHWAY PATROL  
 12 RETIREMENT CLEARING ACCOUNT TO THE GENERAL FUND;  
 13 ~~TRANSFERRING ---\$67,000--FROM--THE--FORESTRY--SLASH--DISPOSAL~~  
 14 ~~ACCOUNT--TO--THE--GENERAL--FUND;--TRANSFERRING--\$200,000--FROM--THE~~  
 15 ~~AIR--OPERATION--INTERNAL--SERVICE--ACCOUNT--TO--THE--GENERAL--FUND;~~  
 16 ~~TRANSFERRING--\$450,000--FROM--THE--JUNK--VEHICLE--DISPOSAL--ACCOUNT~~  
 17 ~~TO--THE--GENERAL--FUND;--TRANSFERRING--\$500,000--FROM--THE~~  
 18 ~~RANGELAND--IMPROVEMENT--LOAN--ACCOUNT--TO--THE--GENERAL--FUND;~~  
 19 ~~TRANSFERRING--\$1-MILLION--FROM--THE--LIVESTOCK--INSPECTION--AND~~  
 20 ~~CONTROL--ACCOUNT--TO--THE--GENERAL--FUND; TRANSFERRING \$550,000~~  
 21 \$400,000 FROM THE BUILDING CODES STATE SPECIAL REVENUE  
 22 ACCOUNT TO THE GENERAL FUND; ~~REQUIRING--RESTITUTION--MONEY~~  
 23 ~~RECEIVED--BY--THE--DEPARTMENT--OF--LIVESTOCK--RELATED--TO--AIRCRAFT~~  
 24 ~~PARTS--TO--BE--DEPOSITED--IN--THE--GENERAL--FUND; AMENDING SECTIONS~~  
 25 15-65-121, 20-7-504, 50-60-508, 53-9-109, AND 61-5-121,

1 ~~75-10-532,--76-13-111,--76-13-415,--76-14-112,--AND--81-3-107,~~  
 2 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A  
 3 TERMINATION DATE."  
 4  
 5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 6 **Section 1.** Section 15-65-121, MCA, is amended to read:  
 7 "15-65-121. Distribution of tax proceeds -- general  
 8 fund loan authority. (1) The Except as provided in  
 9 subsection (5), the proceeds of the tax imposed by 15-65-111  
 10 must be deposited in an account in the state special revenue  
 11 fund to the credit of the department of revenue. The  
 12 department may spend from that account in accordance with an  
 13 expenditure appropriation by the legislature based on an  
 14 estimate of the costs of collecting and disbursing the  
 15 proceeds of the tax. Before allocating the balance of the  
 16 tax proceeds as provided in subsections (1)(a) through  
 17 (1)(c), the department shall determine the expenditures by  
 18 state agencies for in-state lodging for each reporting  
 19 period and deduct 4% of that amount from the tax proceeds  
 20 received each reporting period. The amount deducted must be  
 21 deposited in the general fund. The balance of the tax  
 22 proceeds received each reporting period and not deducted  
 23 pursuant to the expenditure appropriation or deposited in  
 24 the general fund is statutorily appropriated, as provided in  
 25 17-7-502, and must be transferred to an account in the state



1 special revenue fund to the credit of the department of  
2 commerce for tourism promotion and promotion of the state as  
3 a location for the production of motion pictures and  
4 television commercials, to the Montana historical society,  
5 and to the university system, as follows:

6 (a) 1% to the Montana historical society to be used for  
7 the installation or maintenance of roadside historical signs  
8 and historic sites;

9 (b) 2.5% to the university system for the establishment  
10 and maintenance of a Montana travel research program; and

11 (c) the balance of the proceeds as follows:

12 (i) 75% to be used directly by the department of  
13 commerce;

14 (ii) except as provided in subsection (1)(c)(iii), 25%  
15 to be distributed by the department to regional nonprofit  
16 tourism corporations in the ratio of the proceeds collected  
17 in each tourism region to the total proceeds collected  
18 statewide;

19 (iii) if 25% of the proceeds collected annually within  
20 the limits of a city or consolidated city-county exceeds  
21 \$35,000, 50% of the amount available for distribution to the  
22 regional nonprofit tourism corporation in the region where  
23 the city or consolidated city-county is located is to be  
24 distributed to the nonprofit convention and visitors bureau  
25 in that city or consolidated city-county.

1 (2) If a city or consolidated city-county qualifies  
2 under this section for funds but fails to either recognize a  
3 nonprofit convention and visitors bureau or submit and gain  
4 approval for an annual marketing plan as required in  
5 15-65-122, then those funds must be allocated to the  
6 regional nonprofit tourism corporation in the region in  
7 which the city or consolidated city-county is located.

8 (3) If a regional nonprofit tourism corporation fails  
9 to submit and gain approval for an annual marketing plan as  
10 required in 15-65-122, then those funds otherwise allocated  
11 to the regional nonprofit tourism corporation may be used by  
12 the department of commerce for tourism promotion and  
13 promotion of the state as a location for the production of  
14 motion pictures and television commercials.

15 (4) The department of commerce may use general fund  
16 loans for efficient implementation of this section.

17 (5) On or before September 1, 1992, the department  
18 shall transfer \$220,000 from the state special revenue  
19 account specified in subsection (1) to the general fund."

20 **Section 2.** Section 20-7-504, MCA, is amended to read:

21 **"20-7-504. State traffic education account -- proceeds**  
22 **earmarked for the account. (1) There is a traffic education**  
23 **account in the treasury of the state of Montana. ~~There~~**  
24 **Except as provided in subsection (4), there must be paid**  
25 **into this account a portion of the fines and forfeitures**

1 collected in any court except a justice's court from persons  
 2 apprehended or arrested by highway patrol officers or  
 3 department of transportation peace officers for any  
 4 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 5 through 10 of Title 61 relating to the operation or use of  
 6 motor vehicles in the following amounts:

- 7 (a) if a fine is imposed, 25% of the fine imposed;
- 8 (b) if multiple offenses are involved, 25% of the total  
 9 sum of all fines imposed;
- 10 (c) if a fine is suspended, in whole or in part, 25% of  
 11 the fine actually paid; and
- 12 (d) if any deposit of bail is made for an offense to  
 13 which this section applies and the bail is forfeited, 25% of  
 14 the forfeited bail.

15 (2) A portion of all money from the collection of fees  
 16 from driver's licenses, motorcycle endorsements, and  
 17 duplicate driver's licenses must be contributed to the  
 18 traffic education account as provided in 61-5-121.

19 (3) Money collected and accrued from motorcycle safety  
 20 training courses, designated grants, and motorcycle  
 21 registration fees or an amount equal to that amount must be  
 22 deposited in the state traffic education account as provided  
 23 in 20-7-513 and 20-7-514 and must be available to support  
 24 only approved motorcycle safety training courses,  
 25 appropriate motorcycle safety instructor training, and other

1 related motorcycle safety training activities.

2 (4) On September 1, 1992, the superintendent of public  
 3 instruction shall, after payments are made to schools,  
 4 transfer the balance remaining in the state traffic  
 5 education account to the general fund."

6 **Section 3.** Section 50-60-508, MCA, is amended to read:  
 7 **"50-60-508. Permit fees.** (1) The department of commerce  
 8 shall establish permit fees in accordance with the Montana  
 9 Administrative Procedure Act, and except as provided in  
 10 subsection (3), the fees shall be deposited to the state  
 11 special revenue fund of the department for use in the  
 12 administration and enforcement of this part and the Montana  
 13 state plumbing code.

14 (2) For the purpose of 50-60-505 through 50-60-513, a  
 15 sanitary plumbing outlet on or to which a plumbing fixture  
 16 or appliance may be set or attached shall be construed to be  
 17 a fixture. Fees for reconnection and retest of plumbing  
 18 systems in relocated buildings shall be based on the number  
 19 of plumbing fixtures, gas systems, water heaters, and the  
 20 like involved.

21 (3) On or before September 1, 1992, the department  
 22 shall transfer ~~\$550,000~~ \$400,000 from the building codes  
 23 state special revenue account to the general fund."

24 **Section 4.** Section 53-9-109, MCA, is amended to read:  
 25 **"53-9-109. Crime victims compensation and assistance**



1 account. (1) There is a crime victims compensation and  
 2 assistance account in the state special revenue fund. There  
 3 shall be paid into this account 18% of the fines assessed  
 4 and bails forfeited, except those paid to a justice's court,  
 5 on all offenses involving a violation of chapter 3, part 1  
 6 of chapter 4, or chapters 5 through 10 of Title 61 that are  
 7 a result of citations or tickets issued by the highway  
 8 patrol. ~~The~~ Except as provided in subsection (2), the money  
 9 in the account is to be used solely for the purposes of this  
 10 part and for victims' assistance program coordination and  
 11 planning provided by the division. ~~No~~ Except as provided in  
 12 subsection (2), no fund balance in the account at the end of  
 13 a fiscal year may be deposited in the general fund.

14 (2) On or before September 1, 1992, the division shall  
 15 transfer ~~\$150,000~~ \$100,000 from the crime victims  
 16 compensation and assistance account to the general fund."

17 **Section 5.** Section 61-5-121, MCA, is amended to read:

18 **"61-5-121. (Temporary) Disposition of fees. (1) The**  
 19 **disposition of the fees from driver's licenses provided for**  
 20 **in 61-5-111(7)(a), motorcycle endorsements provided for in**  
 21 **61-5-111(7)(b), commercial vehicle operator's endorsements**  
 22 **provided for in 61-5-111(7)(c), and duplicate driver's**  
 23 **licenses provided for in 61-5-114 is as follows:**

24 **(a) ~~The~~ Except as provided in subsection (4), the**  
 25 **amount of 25% of each driver's license fee and of each**

1 duplicate driver's license fee must be deposited into an  
 2 account in the state special revenue fund. The department  
 3 shall transfer the funds from this account to the Montana  
 4 highway patrol officers' retirement pension trust fund as  
 5 provided in 19-6-404. Funds transferred from the account are  
 6 statutorily appropriated, as provided in 17-7-502, to the  
 7 pension trust fund.

8 (b) (i) If the fees are collected by a county treasurer  
 9 or other agent of the department, the amount of 3.75% of  
 10 each driver's license fee and of each duplicate driver's  
 11 license fee must be deposited into the county general fund.

12 (ii) Except as provided in subsection (3), if the fees  
 13 are collected by the department, the amount provided for in  
 14 subsection (1)(b)(i) must be deposited into the state  
 15 special revenue fund for use by the department to defray the  
 16 costs of issuing licenses or duplicate licenses.

17 (c) (i) If the fee is collected by a county treasurer  
 18 or other agent of the department, the amount of 5% of each  
 19 motorcycle endorsement must be deposited into the county  
 20 general fund.

21 (ii) Except as provided in subsection (3), if the fee is  
 22 collected by the department, the amount provided for in  
 23 subsection (1)(c)(i) must be deposited into the state  
 24 special revenue fund for use by the department to defray the  
 25 costs of issuing motorcycle endorsements.

1 (d) The amount of 17.5% of each driver's license fee  
2 and of each duplicate driver's license fee must be deposited  
3 into the state traffic education account.

4 (e) The amount of 53.75% of each driver's license fee  
5 and of each duplicate driver's license fee must be deposited  
6 into the state general fund.

7 (f) If the fee is collected by the county treasurer or  
8 other agent of the department, the amount of 3.75% of each  
9 commercial vehicle operator's endorsement fee must be  
10 deposited into the county general fund, otherwise all of the  
11 fee must be deposited in the state general fund.

12 (g) The amount of 95% of each motorcycle endorsement  
13 fee must be deposited into the state traffic education  
14 account in the state special revenue fund.

15 (2) (a) If fees from driver's licenses, commercial  
16 vehicle operator's endorsements, motorcycle endorsements,  
17 and duplicate driver's licenses are collected by a county  
18 treasurer or other agent of the department, he shall deposit  
19 the amounts provided for in subsections (1)(b)(i) and  
20 (1)(c)(i) into the county general fund. He shall then remit  
21 to the state treasurer all remaining fees, together with a  
22 statement indicating what portion of each fee is to be  
23 deposited into the account in the state special revenue fund  
24 as provided in subsection (1)(a), the state traffic  
25 education account, and the state general fund. The state

1 treasurer, upon receipt of the fees and statement, shall  
2 deposit the fees as provided in subsections (1)(a) and  
3 (1)(d) through (1)(g).

4 (b) If fees from driver's licenses, commercial vehicle  
5 operator's endorsements, motorcycle endorsements, and  
6 duplicate driver's licenses are collected by the department,  
7 it shall remit all fees to the state treasurer, together  
8 with a statement indicating what portion of each fee is to  
9 be deposited into the account in the state special revenue  
10 fund as provided in subsection (1)(a), the state special  
11 revenue fund, the state traffic education account, and the  
12 state general fund. The state treasurer, upon receipt of the  
13 fees and statement, shall deposit the fees as provided in  
14 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
15 through (1)(g).

16 (3) On or before June 30, 1993, the balance in the  
17 driver's license collections account in the state special  
18 revenue fund collected pursuant to subsections (1)(b)(ii)  
19 and (1)(c)(ii) must be transferred to the general fund.

20 (4) On or before September 1, 1992, the department  
21 shall transfer \$750,000 from the state special revenue fund  
22 provided for in subsection (1)(a) to the general fund.  
23 (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January  
24 1992.)

25 61-5-121. (Effective July 1, 1993) Disposition of fees.

1 (1) The disposition of the fees from driver's licenses  
 2 provided for in 61-5-111(7)(a), motorcycle endorsements  
 3 provided for in 61-5-111(7)(b), commercial vehicle  
 4 operator's endorsements provided for in 61-5-111(7)(c), and  
 5 duplicate driver's licenses provided for in 61-5-114 is as  
 6 follows:

7 (a) The amount of 25% of each driver's license fee and  
 8 of each duplicate driver's license fee must be deposited  
 9 into an account in the state special revenue fund. The  
 10 department shall transfer the funds from this account to the  
 11 Montana highway patrol officers' retirement pension trust  
 12 fund as provided in 19-6-404. Funds transferred from the  
 13 account are statutorily appropriated, as provided in  
 14 17-7-502, to the pension trust fund.

15 (b) (i) If the fees are collected by a county treasurer  
 16 or other agent of the department, the amount of 3.75% of  
 17 each driver's license fee and of each duplicate driver's  
 18 license fee must be deposited into the county general fund.

19 (ii) If the fees are collected by the department, the  
 20 amount provided for in subsection (1)(b)(i) must be  
 21 deposited into the general fund.

22 (c) (i) If the fee is collected by a county treasurer  
 23 or other agent of the department, the amount of 5% of each  
 24 motorcycle endorsement must be deposited into the county  
 25 general fund.

1 (ii) If the fee is collected by the department, the  
 2 amount provided for in subsection (1)(c)(i) must be  
 3 deposited into the general fund.

4 (d) The amount of 17.5% of each driver's license fee  
 5 and of each duplicate driver's license fee must be deposited  
 6 into the state traffic education account.

7 (e) In addition to the amounts deposited pursuant to  
 8 subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75%  
 9 of each driver's license fee and of each duplicate driver's  
 10 license fee must be deposited into the state general fund.

11 (f) If the fee is collected by the county treasurer or  
 12 other agent of the department, the amount of 3.75% of each  
 13 commercial vehicle operator's endorsement fee must be  
 14 deposited into the county general fund, otherwise all of the  
 15 fee must be deposited in the state general fund.

16 (g) The amount of 95% of each motorcycle endorsement  
 17 fee must be deposited into the state traffic education  
 18 account in the state special revenue fund.

19 (2) (a) If fees from driver's licenses, commercial  
 20 vehicle operator's endorsements, motorcycle endorsements,  
 21 and duplicate driver's licenses are collected by a county  
 22 treasurer or other agent of the department, he shall deposit  
 23 the amounts provided for in subsections (1)(b)(i) and  
 24 (1)(c)(i) into the county general fund. He shall then remit  
 25 to the state treasurer all remaining fees, together with a

1 statement indicating what portion of each fee is to be  
2 deposited into the account in the state special revenue fund  
3 as provided in subsection (1)(a), the state traffic  
4 education account, and the state general fund. The state  
5 treasurer, upon receipt of the fees and statement, shall  
6 deposit the fees as provided in subsections (1)(a) and  
7 (1)(d) through (1)(g).

8 (b) If fees from driver's licenses, commercial vehicle  
9 operator's endorsements, motorcycle endorsements, and  
10 duplicate driver's licenses are collected by the department,  
11 it shall remit all fees to the state treasurer, together  
12 with a statement indicating what portion of each fee is to  
13 be deposited into the account in the state special revenue  
14 fund as provided in subsection (1)(a), the state special  
15 revenue fund, the state traffic education account, and the  
16 state general fund. The state treasurer, upon receipt of the  
17 fees and statement, shall deposit the fees as provided in  
18 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
19 through (1)(g)."

20 **Section 6.** Section 75-10-532, MCA, is amended to read:--  
21 "75-10-532. Disposition of moneys collected. All (1)  
22 Except as provided in subsection (2), all moneys received  
23 from the sale of the junk vehicles or from recycling of the  
24 material and all motor vehicle wrecking facility license  
25 fees and fees collected as motor vehicle disposal fees shall

1 be deposited with the state treasurer to be utilized for:  
2 (1)(a) the control, collection, recycling, and disposal  
3 of junk vehicles and component parts; and  
4 (2)(b) implementation by the department of health and  
5 environmental sciences during the 1987 biennium of the  
6 federal Comprehensive Environmental Response, Compensation,  
7 and Liability Act of 1980 in accordance with 75-10-601  
8 through 75-10-604, and the Montana Hazardous Waste Act in  
9 accordance with 75-10-481 through 75-10-421, up to an amount  
10 not exceeding \$50,690.

11 (2) On or before September 1, 1992, the department  
12 shall transfer \$450,000 from the junk vehicle disposal  
13 account to the general fund."<sup>4</sup>

14 **Section 7.** Section 76-13-111, MCA, is amended to read:--  
15 "76-13-111. Permissible expenditures. (1) The following  
16 funds may be expended as directed by the department for fire  
17 prevention, detection, suppression and for forest range,  
18 water, and soil conservation:

- 19 (a) all moneys collected by county treasurers as  
20 assessments on forest lands for forest protection;
- 21 (b) moneys collected for the abatement of public  
22 nuisances;
- 23 (c) all fines collected, except those collected in a  
24 justice's court, for violations of this part or part 2;
- 25 (d) the state's share of the cooperative fire

1 protection funds allocated by the federal government;  
2 (c) any other funds provided for the purposes herein  
3 indicated in this section;

4 (2) All Except as provided in 76-13-415(6), all other  
5 cooperative funds collected, appropriated, or allocated for  
6 the use of the department, including funds for the removal  
7 of slash hazards resulting from logging or other wood  
8 operations on state and private forest lands, those provided  
9 for the purpose of helping to maintain the maximum  
10 productivity of the forests of the state, those provided for  
11 purposes designed to assist the farmers of the state in the  
12 establishment of windbreaks and woodlots in localities where  
13 those forest plantings are helpful, and funds for other  
14 cooperative work, may not be expended except for the  
15 specific purposes for which they were collected,  
16 appropriated, or allocated."

17 **Section 8.** Section 76-13-415, MCA, is amended to read:

18 "76-13-415. Forestry extension service account  
19 purpose appropriation: (1) There is a forestry extension  
20 service account in the current restricted fund provided for  
21 in 17-2-102.

22 (2) There must be deposited in the account:  
23 (a) all revenue from the fire hazard reduction  
24 agreement provided for in 76-13-400(3);  
25 (b) all revenue from the master fire hazard reduction

1 agreement provided for in 76-13-414(3)(b); and  
2 (c) except as provided in subsection (6), money  
3 received by the department of state lands in the form of  
4 legislative appropriations, reimbursements, gifts, federal  
5 funds, or appropriations from any source intended to be used  
6 for the purposes of this account;

7 (3) Money in the account is available to the Montana  
8 university system by appropriation for the uses set forth in  
9 subsection (4). Any unencumbered and unexpended balance of  
10 this account remaining at the end of a fiscal year does not  
11 lapse but must be carried forward for the purposes of this  
12 section until expended or appropriated;

13 (4) Except as provided in subsection (5), money in the  
14 account may be used by the university system only to fund  
15 forestry services through the Montana cooperative extension  
16 service of Montana state university. The forestry services  
17 must be conducted at Montana state university, the  
18 university of Montana, and Flathead Valley community  
19 college;

20 (5) The use of money in this account by the Montana  
21 university system is contingent upon the university system  
22 funding the extension service's forestry and natural  
23 resources program at a biennial level of at least \$100,000  
24 from sources other than the account;

25 (6) On or before September 1, 1992, the department

1 ~~shall transfer \$67,000 from the slash disposal account to~~  
2 ~~the general fund."~~

3 **Section 9.** ~~Section 76-14-112, MCA, is amended to read:~~

4 "76-14-112. Range land improvement loan special revenue  
5 account. (1) There is created a range land improvement loan  
6 special revenue account within the state special revenue  
7 fund established in 17-2-102.

8 (2) There Except as provided in subsection (3), there  
9 must be allocated to the range land improvement loan  
10 earmarked account any principal and accrued interest  
11 received in repayment of a loan made under the range land  
12 improvement loan program and any fees or charges collected  
13 by the department pursuant to 76-14-116 for the servicing of  
14 loans, including arrangements for obtaining security  
15 interests.

16 (3) On or before September 1, 1992, the department  
17 shall transfer \$500,000 from the range land improvement loan  
18 special revenue account to the general fund."

19 **Section 10.** ~~Section 81-3-107, MCA, is amended to read:~~

20 "81-3-107. Fees for department. (1) The department  
21 shall establish, charge and collect a fee for recording a  
22 new mark or brand, for recording a mark or brand transfer,  
23 or for rerecording a mark or brand. The department shall  
24 establish and charge a fee for providing a certified copy of  
25 a record and a duplicate certificate. The department may

1 upon request research mark or brand histories and may charge  
2 a fee of up to \$50 per mark or brand, based on time involved  
3 in research. All Except as provided in subsection (2), all  
4 fees collected shall be paid into the state special revenue  
5 fund for the use of the department. However, not more than  
6 10% of the net rerecording fees after all expenses of  
7 rerecording are paid may be expended in any one year except  
8 in case of an emergency declared by the governor.

9 (2) On or before September 1, 1992, the department  
10 shall transfer \$1 million from the state special revenue  
11 fund account specified in subsection (1) to the general  
12 fund."

13 ~~NEW SECTION. Section 11.~~ Air operation internal  
14 service account. ~~On or before September 1, 1992, the~~  
15 ~~department of state lands shall transfer \$200,000 from the~~  
16 ~~air operation internal service account to the general fund.~~

17 ~~NEW SECTION. Section 12.~~ Receipt of restitution. After  
18 reimbursing the legislative auditor for auditing expenses  
19 incurred, the department of livestock shall deposit in the  
20 general fund any restitution money received for aircraft  
21 parts on or after (the effective date of this act).

22 NEW SECTION. Section 6. Severability. If a part of  
23 [this act] is invalid, all valid parts that are severable  
24 from the invalid part remain in effect. If a part of [this  
25 act] is invalid in one or more of its applications, the part

1 remains in effect in all valid applications that are  
2 severable from the invalid applications.

3 NEW SECTION. **Section 7. Effective date -- termination.**

4 (1) [This act] is effective on passage and approval.

5 (2) [Sections 1 through ~~4~~ 5] terminate September 2,  
6 1992.

-End-

HOUSE BILL NO. 41

INTRODUCED BY KADAS, JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE FUND BALANCE IN VARIOUS ACCOUNTS TO THE GENERAL FUND; TRANSFERRING \$220,000 FROM THE ACCOMMODATIONS TAX ACCOUNT TO THE GENERAL FUND; TRANSFERRING THE BALANCE AS OF SEPTEMBER 1, 1992, FROM THE STATE TRAFFIC EDUCATION ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$150,000 \$100,000 FROM THE CRIME VICTIMS COMPENSATION AND ASSISTANCE ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$750,000 FROM THE HIGHWAY PATROL RETIREMENT CLEARING ACCOUNT TO THE GENERAL FUND; TRANSFERRING ~~---\$67,000---FROM---THE---FORESTRY---SLASH---DISPOSAL~~ ACCOUNT ~~TO THE GENERAL FUND;~~ TRANSFERRING ~~\$200,000 FROM THE~~ AIR ~~OPERATION INTERNAL SERVICE ACCOUNT TO THE GENERAL FUND;~~ TRANSFERRING ~~\$450,000 FROM THE JUNK VEHICLE DISPOSAL ACCOUNT~~ TO ~~THE GENERAL FUND;~~ TRANSFERRING ~~---\$500,000---FROM---THE~~ RANGELAND ~~IMPROVEMENT LOAN ACCOUNT TO THE GENERAL FUND;~~ TRANSFERRING ~~\$1 MILLION FROM THE LIVESTOCK INSPECTION AND~~ CONTROL ~~ACCOUNT TO THE GENERAL FUND;~~ TRANSFERRING \$550,000 \$400,000 FROM THE BUILDING CODES STATE SPECIAL REVENUE ACCOUNT TO THE GENERAL FUND; REQUIRING ~~RESTITUTION MONEY~~ RECEIVED ~~BY THE DEPARTMENT OF LIVESTOCK RELATED TO AIRCRAFT~~ PARTS ~~TO BE DEPOSITED IN THE GENERAL FUND;~~ TRANSFERRING \$500,000 FROM THE HOUSING AUTHORITY ENTERPRISE FUND TO THE

GENERAL FUND; AMENDING SECTIONS 15-65-121, 20-7-504, 50-60-508, 53-9-109, AND 61-5-121, ~~75-10-532, 76-13-111, 76-13-415, 76-14-112, AND 81-3-107,~~ AND 90-6-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

**Section 1.** Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) The Except as provided in subsection (5), the proceeds of the tax imposed by 15-65-111 must be deposited in an account in the state special revenue fund to the credit of the department of revenue. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds as provided in subsections (1)(a) through (1)(c), the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in



1 the general fund is statutorily appropriated, as provided in  
 2 17-7-502, and must be transferred to an account in the state  
 3 special revenue fund to the credit of the department of  
 4 commerce for tourism promotion and promotion of the state as  
 5 a location for the production of motion pictures and  
 6 television commercials, to the Montana historical society,  
 7 and to the university system, as follows:

8 (a) 1% to the Montana historical society to be used for  
 9 the installation or maintenance of roadside historical signs  
 10 and historic sites;

11 (b) 2.5% to the university system for the establishment  
 12 and maintenance of a Montana travel research program; and

13 (c) the balance of the proceeds as follows:

14 (i) 75% to be used directly by the department of  
 15 commerce;

16 (ii) except as provided in subsection (1)(c)(iii), 25%  
 17 to be distributed by the department to regional nonprofit  
 18 tourism corporations in the ratio of the proceeds collected  
 19 in each tourism region to the total proceeds collected  
 20 statewide;

21 (iii) if 25% of the proceeds collected annually within  
 22 the limits of a city or consolidated city-county exceeds  
 23 \$35,000, 50% of the amount available for distribution to the  
 24 regional nonprofit tourism corporation in the region where  
 25 the city or consolidated city-county is located is to be

1 distributed to the nonprofit convention and visitors bureau  
 2 in that city or consolidated city-county.

3 (2) If a city or consolidated city-county qualifies  
 4 under this section for funds but fails to either recognize a  
 5 nonprofit convention and visitors bureau or submit and gain  
 6 approval for an annual marketing plan as required in  
 7 15-65-122, then those funds must be allocated to the  
 8 regional nonprofit tourism corporation in the region in  
 9 which the city or consolidated city-county is located.

10 (3) If a regional nonprofit tourism corporation fails  
 11 to submit and gain approval for an annual marketing plan as  
 12 required in 15-65-122, then those funds otherwise allocated  
 13 to the regional nonprofit tourism corporation may be used by  
 14 the department of commerce for tourism promotion and  
 15 promotion of the state as a location for the production of  
 16 motion pictures and television commercials.

17 (4) The department of commerce may use general fund  
 18 loans for efficient implementation of this section.

19 (5) On or before September 1, 1992, the department  
 20 shall transfer \$220,000 from the state special revenue  
 21 account specified in subsection (1) to the general fund."

22 **Section 2.** Section 20-7-504, MCA, is amended to read:

23 "20-7-504. State traffic education account -- proceeds  
 24 earmarked for the account. (1) There is a traffic education  
 25 account in the treasury of the state of Montana. There

1 Except as provided in subsection (4), there must be paid  
 2 into this account a portion of the fines and forfeitures  
 3 collected in any court except a justice's court from persons  
 4 apprehended or arrested by highway patrol officers or  
 5 department of transportation peace officers for any  
 6 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 7 through 10 of Title 61 relating to the operation or use of  
 8 motor vehicles in the following amounts:

9 (a) if a fine is imposed, 25% of the fine imposed;

10 (b) if multiple offenses are involved, 25% of the total  
 11 sum of all fines imposed;

12 (c) if a fine is suspended, in whole or in part, 25% of  
 13 the fine actually paid; and

14 (d) if any deposit of bail is made for an offense to  
 15 which this section applies and the bail is forfeited, 25% of  
 16 the forfeited bail.

17 (2) A portion of all money from the collection of fees  
 18 from driver's licenses, motorcycle endorsements, and  
 19 duplicate driver's licenses must be contributed to the  
 20 traffic education account as provided in 61-5-121.

21 (3) Money collected and accrued from motorcycle safety  
 22 training courses, designated grants, and motorcycle  
 23 registration fees or an amount equal to that amount must be  
 24 deposited in the state traffic education account as provided  
 25 in 20-7-513 and 20-7-514 and must be available to support

1 only approved motorcycle safety training courses,  
 2 appropriate motorcycle safety instructor training, and other  
 3 related motorcycle safety training activities.

4 (4) On September 1, 1992, the superintendent of public  
 5 instruction shall, after payments are made to schools,  
 6 transfer the balance remaining in the state traffic  
 7 education account to the general fund."

8 **Section 3.** Section 50-60-508, MCA, is amended to read:

9 "50-60-508. Permit fees. (1) The department of commerce  
 10 shall establish permit fees in accordance with the Montana  
 11 Administrative Procedure Act, and except as provided in  
 12 subsection (3), the fees shall be deposited to the state  
 13 special revenue fund of the department for use in the  
 14 administration and enforcement of this part and the Montana  
 15 state plumbing code.

16 (2) For the purpose of 50-60-505 through 50-60-513, a  
 17 sanitary plumbing outlet on or to which a plumbing fixture  
 18 or appliance may be set or attached shall be construed to be  
 19 a fixture. Fees for reconnection and retest of plumbing  
 20 systems in relocated buildings shall be based on the number  
 21 of plumbing fixtures, gas systems, water heaters, and the  
 22 like involved.

23 (3) On or before September 1, 1992, the department  
 24 shall transfer ~~\$550,000~~ \$400,000 from the building codes  
 25 state special revenue account to the general fund."

**Section 4.** Section 53-9-109, MCA, is amended to read:

"53-9-109. Crime victims compensation and assistance account. (1) There is a crime victims compensation and assistance account in the state special revenue fund. There shall be paid into this account 18% of the fines assessed and bails forfeited, except those paid to a justice's court, on all offenses involving a violation of chapter 3, part 1 of chapter 4, or chapters 5 through 10 of Title 61 that are a result of citations or tickets issued by the highway patrol. The Except as provided in subsection (2), the money in the account is to be used solely for the purposes of this part and for victims' assistance program coordination and planning provided by the division. No Except as provided in subsection (2), no fund balance in the account at the end of a fiscal year may be deposited in the general fund.

(2) On or before September 1, 1992, the division shall transfer ~~\$150,000~~ \$100,000 from the crime victims compensation and assistance account to the general fund."

**Section 5.** Section 61-5-121, MCA, is amended to read:

"61-5-121. (Temporary) **Disposition of fees.** (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The Except as provided in subsection (4), the amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state special revenue fund for use by the department to defray the costs of issuing licenses or duplicate licenses.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) Except as provided in subsection (3), if the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state

1 special revenue fund for use by the department to defray the  
2 costs of issuing motorcycle endorsements.

3 (d) The amount of 17.5% of each driver's license fee  
4 and of each duplicate driver's license fee must be deposited  
5 into the state traffic education account.

6 (e) The amount of 53.75% of each driver's license fee  
7 and of each duplicate driver's license fee must be deposited  
8 into the state general fund.

9 (f) If the fee is collected by the county treasurer or  
10 other agent of the department, the amount of 3.75% of each  
11 commercial vehicle operator's endorsement fee must be  
12 deposited into the county general fund, otherwise all of the  
13 fee must be deposited in the state general fund.

14 (g) The amount of 95% of each motorcycle endorsement  
15 fee must be deposited into the state traffic education  
16 account in the state special revenue fund.

17 (2) (a) If fees from driver's licenses, commercial  
18 vehicle operator's endorsements, motorcycle endorsements,  
19 and duplicate driver's licenses are collected by a county  
20 treasurer or other agent of the department, he shall deposit  
21 the amounts provided for in subsections (1)(b)(i) and  
22 (1)(c)(i) into the county general fund. He shall then remit  
23 to the state treasurer all remaining fees, together with a  
24 statement indicating what portion of each fee is to be  
25 deposited into the account in the state special revenue fund

1 as provided in subsection (1)(a), the state traffic  
2 education account, and the state general fund. The state  
3 treasurer, upon receipt of the fees and statement, shall  
4 deposit the fees as provided in subsections (1)(a) and  
5 (1)(d) through (1)(g).

6 (b) If fees from driver's licenses, commercial vehicle  
7 operator's endorsements, motorcycle endorsements, and  
8 duplicate driver's licenses are collected by the department,  
9 it shall remit all fees to the state treasurer, together  
10 with a statement indicating what portion of each fee is to  
11 be deposited into the account in the state special revenue  
12 fund as provided in subsection (1)(a), the state special  
13 revenue fund, the state traffic education account, and the  
14 state general fund. The state treasurer, upon receipt of the  
15 fees and statement, shall deposit the fees as provided in  
16 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
17 through (1)(g).

18 (3) On or before June 30, 1993, the balance in the  
19 driver's license collections account in the state special  
20 revenue fund collected pursuant to subsections (1)(b)(ii)  
21 and (1)(c)(ii) must be transferred to the general fund.

22 (4) On or before September 1, 1992, the department  
23 shall transfer \$750,000 from the state special revenue fund  
24 provided for in subsection (1)(a) to the general fund.  
25 (Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January

1 1992.)

2 61-5-121. (Effective July 1, 1993) Disposition of fees.

3 (1) The disposition of the fees from driver's licenses  
4 provided for in 61-5-111(7)(a), motorcycle endorsements  
5 provided for in 61-5-111(7)(b), commercial vehicle  
6 operator's endorsements provided for in 61-5-111(7)(c), and  
7 duplicate driver's licenses provided for in 61-5-114 is as  
8 follows:

9 (a) The amount of 25% of each driver's license fee and  
10 of each duplicate driver's license fee must be deposited  
11 into an account in the state special revenue fund. The  
12 department shall transfer the funds from this account to the  
13 Montana highway patrol officers' retirement pension trust  
14 fund as provided in 19-6-404. Funds transferred from the  
15 account are statutorily appropriated, as provided in  
16 17-7-502, to the pension trust fund.

17 (b) (i) If the fees are collected by a county treasurer  
18 or other agent of the department, the amount of 3.75% of  
19 each driver's license fee and of each duplicate driver's  
20 license fee must be deposited into the county general fund.

21 (ii) If the fees are collected by the department, the  
22 amount provided for in subsection (1)(b)(i) must be  
23 deposited into the general fund.

24 (c) (i) If the fee is collected by a county treasurer  
25 or other agent of the department, the amount of 5% of each

1 motorcycle endorsement must be deposited into the county  
2 general fund.

3 (ii) If the fee is collected by the department, the  
4 amount provided for in subsection (1)(c)(i) must be  
5 deposited into the general fund.

6 (d) The amount of 17.5% of each driver's license fee  
7 and of each duplicate driver's license fee must be deposited  
8 into the state traffic education account.

9 (e) In addition to the amounts deposited pursuant to  
10 subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75%  
11 of each driver's license fee and of each duplicate driver's  
12 license fee must be deposited into the state general fund.

13 (f) If the fee is collected by the county treasurer or  
14 other agent of the department, the amount of 3.75% of each  
15 commercial vehicle operator's endorsement fee must be  
16 deposited into the county general fund, otherwise all of the  
17 fee must be deposited in the state general fund.

18 (g) The amount of 95% of each motorcycle endorsement  
19 fee must be deposited into the state traffic education  
20 account in the state special revenue fund.

21 (2) (a) If fees from driver's licenses, commercial  
22 vehicle operator's endorsements, motorcycle endorsements,  
23 and duplicate driver's licenses are collected by a county  
24 treasurer or other agent of the department, he shall deposit  
25 the amounts provided for in subsections (1)(b)(i) and

1 (1)(c)(i) into the county general fund. He shall then remit  
 2 to the state treasurer all remaining fees, together with a  
 3 statement indicating what portion of each fee is to be  
 4 deposited into the account in the state special revenue fund  
 5 as provided in subsection (1)(a), the state traffic  
 6 education account, and the state general fund. The state  
 7 treasurer, upon receipt of the fees and statement, shall  
 8 deposit the fees as provided in subsections (1)(a) and  
 9 (1)(d) through (1)(g).

10 (b) If fees from driver's licenses, commercial vehicle  
 11 operator's endorsements, motorcycle endorsements, and  
 12 duplicate driver's licenses are collected by the department,  
 13 it shall remit all fees to the state treasurer, together  
 14 with a statement indicating what portion of each fee is to  
 15 be deposited into the account in the state special revenue  
 16 fund as provided in subsection (1)(a), the state special  
 17 revenue fund, the state traffic education account, and the  
 18 state general fund. The state treasurer, upon receipt of the  
 19 fees and statement, shall deposit the fees as provided in  
 20 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
 21 through (1)(g)."

22 ~~Section 6. Section 75-10-532, MCA, is amended to read:--~~  
 23 ~~"75-10-532. Disposition of moneys collected. All ~~(1)~~~~  
 24 ~~Except as provided in subsection (2), all moneys received~~  
 25 ~~from the sale of the junk vehicles or from recycling of the~~

1 ~~material and all motor vehicle wrecking facility license~~  
 2 ~~fees and fees collected as motor vehicle disposal fees shall~~  
 3 ~~be deposited with the state treasurer to be utilized for:~~

4 ~~(1)(a) the control, collection, recycling, and disposal~~  
 5 ~~of junk vehicles and component parts; and~~

6 ~~(2)(b) implementation by the department of health and~~  
 7 ~~environmental sciences during the 1987 biennium of the~~  
 8 ~~Federal Comprehensive Environmental Response, Compensation,~~  
 9 ~~and Liability Act of 1980 in accordance with 75-10-601~~  
 10 ~~through 75-10-604, and the Montana Hazardous Waste Act in~~  
 11 ~~accordance with 75-10-401 through 75-10-421, up to an amount~~  
 12 ~~not exceeding \$50,690.~~

13 ~~(2) On or before September 1, 1992, the department~~  
 14 ~~shall transfer \$450,000 from the junk vehicle disposal~~  
 15 ~~account to the general fund."~~

16 ~~Section 7. Section 76-13-111, MCA, is amended to read:--~~

17 ~~"76-13-111. Permissible expenditures. (1) The following~~  
 18 ~~funds may be expended as directed by the department for fire~~  
 19 ~~prevention, detection, suppression, and for forest ranger,~~  
 20 ~~water, and soil conservation:~~

21 ~~(a) all moneys collected by county treasurers as~~  
 22 ~~assessments on forest lands for forest protection;~~

23 ~~(b) moneys collected for the abatement of public~~  
 24 ~~nuisances;~~

25 ~~(c) all fines collected, except those collected in a~~

1 justice's court, for violations of this part or part 2;

2 (d) the state's share of the cooperative fire  
3 protection funds allocated by the federal government;

4 (e) any other funds provided for the purposes herein  
5 indicated in this section;

6 (2) All Except as provided in 76-13-415(6), all other  
7 cooperative funds collected, appropriated, or allocated for  
8 the use of the department, including funds for the removal  
9 of slash hazards resulting from logging or other wood  
10 operations on state and private forest lands, those provided  
11 for the purpose of helping to maintain the maximum  
12 productivity of the forests of the state, those provided for  
13 purposes designed to assist the farmers of the state in the  
14 establishment of windbreaks and woodlots in localities where  
15 those forest plantings are helpful, and funds for other  
16 cooperative work, may not be expended except for the  
17 specific purposes for which they were collected,  
18 appropriated, or allocated."

19 **Section 8.** Section 76-13-415, MCA, is amended to read:--

20 "76-13-415. Forestry extension service account  
21 purpose appropriation. (1) There is a forestry extension  
22 service account in the current restricted fund provided for  
23 in 17-2-102.

24 (2) There must be deposited in the account:

25 (a) all revenue from the fire hazard reduction

1 agreement provided for in 76-13-400(3);

2 (b) all revenue from the master fire hazard reduction  
3 agreement provided for in 76-13-414(3)(b); and

4 (c) except as provided in subsection (6), money  
5 received by the department of state lands in the form of  
6 legislative appropriations, reimbursements, gifts, federal  
7 funds, or appropriations from any source intended to be used  
8 for the purposes of this account;

9 (3) Money in the account is available to the Montana  
10 university system by appropriation for the uses set forth in  
11 subsection (4). Any unencumbered and unexpended balance of  
12 this account remaining at the end of a fiscal year does not  
13 lapse but must be carried forward for the purposes of this  
14 section until expended or appropriated;

15 (4) Except as provided in subsection (5), money in the  
16 account may be used by the university system only to fund  
17 forestry services through the Montana cooperative extension  
18 service of Montana state university. The forestry services  
19 must be conducted at Montana state university, the  
20 university of Montana, and Flathead Valley community  
21 college;

22 (5) The use of money in this account by the Montana  
23 university system is contingent upon the university system  
24 funding the extension service's forestry and natural  
25 resources program at a biennial level of at least \$100,000

1 from sources other than the account;

2 ~~{1}~~ On or before September 1, 1992, the department  
3 shall transfer \$67,000 from the slash disposal account to  
4 the general fund. #

5 **Section 9.** Section 76-14-112, MCA, is amended to read:--

6 "76-14-112. Range land improvement loan special revenue  
7 account. (1) There is created a range land improvement loan  
8 special revenue account within the state special revenue  
9 fund established in 17-2-102.

10 (2) There ~~Except as provided in subsection (3),~~ there  
11 must be allocated to the range land improvement loan  
12 earmarked account any principal and accrued interest  
13 received in repayment of a loan made under the range land  
14 improvement loan program and any fees or charges collected  
15 by the department pursuant to 76-14-116 for the servicing of  
16 loans, including arrangements for obtaining security  
17 interests;

18 ~~{3}~~ On or before September 1, 1992, the department  
19 shall transfer \$500,000 from the range land improvement loan  
20 special revenue account to the general fund. #

21 **Section 10.** Section 81-3-107, MCA, is amended to read:--

22 "81-3-107. Fees for department. (1) The department  
23 shall establish, charge and collect a fee for recording a  
24 new mark or brand, for recording a mark or brand transfer,  
25 or for rerecording a mark or brand. The department shall

1 establish and charge a fee for providing a certified copy of  
2 a record and a duplicate certificate. The department may  
3 upon request research mark or brand histories and may charge  
4 a fee of up to \$50 per mark or brand, based on time involved  
5 in research. All ~~Except as provided in subsection (2),~~ all  
6 fees collected shall be paid into the state special revenue  
7 fund for the use of the department. However, not more than  
8 10% of the net rerecording fees after all expenses of  
9 rerecording are paid may be expended in any one year except  
10 in case of an emergency declared by the governor.

11 ~~{2}~~ On or before September 1, 1992, the department  
12 shall transfer \$1 million from the state special revenue  
13 fund account specified in subsection (1) to the general  
14 fund. #

15 **NEW SECTION. Section 11.** Air operation internal  
16 service account. On or before September 1, 1992, the  
17 department of state lands shall transfer \$200,000 from the  
18 air operation internal service account to the general fund.

19 **NEW SECTION. Section 12.** Receipt of restitution. After  
20 reimbursing the legislative auditor for auditing expenses  
21 incurred, the department of livestock shall deposit in the  
22 general fund any restitution money received for aircraft  
23 parts on or after {the effective date of this act};

24 **SECTION 6.** SECTION 90-6-107, MCA, IS AMENDED TO READ:

25 "90-6-107. Deposit and expenditure of funds. (1) There



1 is a housing authority enterprise fund in the proprietary  
 2 fund type as provided for in 17-2-102(1)(b). All funds from  
 3 the proceeds of bonds issued under this part, fees, and  
 4 other moneys received by the board, moneys appropriated by  
 5 the legislature for the use of the board in carrying out  
 6 this part, and moneys made available from any other source  
 7 for the use of the board shall be deposited in the housing  
 8 authority enterprise fund except where otherwise provided in  
 9 subsection (4) or by law. All funds deposited in the housing  
 10 authority enterprise fund, except funds appropriated by the  
 11 legislature for use of the board in payment of expenses  
 12 incurred in carrying out this part, are continuously  
 13 appropriated to and may be expended by the board for the  
 14 purposes authorized in this part.

15 (2) There is a capital reserve account in the housing  
 16 authority enterprise fund provided for in subsection (1).  
 17 The capital reserve account consists of the aggregate of  
 18 moneys retained by the board under existing agreements with  
 19 bondholders as the minimum capital reserve requirement  
 20 described in 90-6-119 for each bond issue sold by the board.

21 (3) Funds appropriated by the legislature for use of  
 22 the board in payment of expenses incurred in carrying out  
 23 this part shall be deposited in the housing authority  
 24 enterprise fund. Funds expended by the board under this  
 25 subsection shall be repaid by the board from the fees and

1 charges collected under this part and from any other moneys  
 2 available for such repayment in accordance with this part.

3 (4) On or before September 1, 1992, the board shall  
 4 transfer \$500,000 from the fund specified in subsection (1)  
 5 to the general fund."

6 NEW SECTION. Section 7. Severability. If a part of  
 7 [this act] is invalid, all valid parts that are severable  
 8 from the invalid part remain in effect. If a part of [this  
 9 act] is invalid in one or more of its applications, the part  
 10 remains in effect in all valid applications that are  
 11 severable from the invalid applications.

12 NEW SECTION. Section 8. Effective date -- termination.

13 (1) [This act] is effective on passage and approval.

14 (2) [Sections 1 through ~~11~~ 5 6] terminate September 2,  
 15 1992.

-End-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

July 17, 1992 1:02 pm

Mr. Chairman: I move to amend House Bill No. 41 (third reading copy -- blue) as follows:

1. Title, lines 7 and 8.

Following: "TRANSFERRING"

Strike: "THE BALANCE AS OF SEPTEMBER 1, 1992,"

Insert: "\$300,000"

2. Page 6, lines 4 through 6.

Following: "On" on line 4

Strike: "September 1, 1992"

Insert: "[the effective date of this act]"

Following: "shall" on line 5

Strike: ", after payments are made to schools,"

Following: "transfer" on line 6

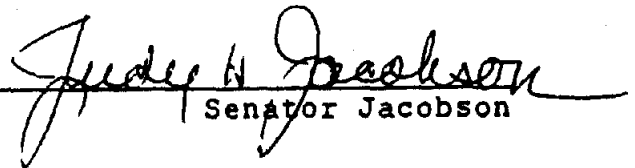
Strike: "the balance remaining in"

Insert: "\$300,000 from"

ADOPT

REJECT

Signed:

  
Senator Jacobson

 7-17-92  
And. Coord.

SB 7-17-92  
Sec. of Senate

SENATE

111301CW.Sji

HB 41

HOUSE BILL NO. 41

INTRODUCED BY KADAS, JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT TRANSFERRING THE FUND BALANCE IN VARIOUS ACCOUNTS TO THE GENERAL FUND; TRANSFERRING \$220,000 FROM THE ACCOMMODATIONS TAX ACCOUNT TO THE GENERAL FUND; TRANSFERRING ~~THE BALANCE AS OF SEPTEMBER 1, 1992~~ \$300,000 FROM THE STATE TRAFFIC EDUCATION ACCOUNT TO THE GENERAL FUND; TRANSFERRING ~~\$150,000~~ \$100,000 FROM THE CRIME VICTIMS COMPENSATION AND ASSISTANCE ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$750,000 FROM THE HIGHWAY PATROL RETIREMENT CLEARING ACCOUNT TO THE GENERAL FUND; TRANSFERRING ~~-\$67,000 FROM THE FORESTRY SLASH DISPOSAL ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$200,000 FROM THE AIR OPERATION INTERNAL SERVICE ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$450,000 FROM THE JUNK VEHICLE DISPOSAL ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$500,000 FROM THE RANGELAND IMPROVEMENT BOAN ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$1 MILLION FROM THE LIVESTOCK INSPECTION AND CONTROL ACCOUNT TO THE GENERAL FUND; TRANSFERRING \$550,000~~ \$400,000 FROM THE BUILDING CODES STATE SPECIAL REVENUE ACCOUNT TO THE GENERAL FUND; ~~REQUIRING RESTITUTION MONEY RECEIVED BY THE DEPARTMENT OF LIVESTOCK RELATED TO AIRCRAFT PARTS TO BE DEPOSITED IN THE GENERAL FUND; TRANSFERRING~~ \$500,000 FROM THE HOUSING AUTHORITY ENTERPRISE FUND TO THE

GENERAL FUND; AMENDING SECTIONS 15-65-121, 20-7-504, 50-60-508, 53-9-109, AND 61-5-121, 75-10-532, 76-13-111, 76-13-415, 76-14-112, AND 81-3-107, AND 90-6-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

**Section 1.** Section 15-65-121, MCA, is amended to read:

"15-65-121. Distribution of tax proceeds -- general fund loan authority. (1) ~~The~~ Except as provided in subsection (5), the proceeds of the tax imposed by 15-65-111 must be deposited in an account in the state special revenue fund to the credit of the department of revenue. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds as provided in subsections (1)(a) through (1)(c), the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the general fund. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in



1 the general fund is statutorily appropriated, as provided in  
 2 17-7-502, and must be transferred to an account in the state  
 3 special revenue fund to the credit of the department of  
 4 commerce for tourist promotion and promotion of the state as  
 5 a location for the production of motion pictures and  
 6 television commercials, to the Montana historical society,  
 7 and to the university system, as follows:

8 (a) 1% to the Montana historical society to be used for  
 9 the installation or maintenance of roadside historical signs  
 10 and historic sites;

11 (b) 2.5% to the university system for the establishment  
 12 and maintenance of a Montana travel research program; and

13 (c) the balance of the proceeds as follows:

14 (i) 75% to be used directly by the department of  
 15 commerce;

16 (ii) except as provided in subsection (1)(c)(iii), 25%  
 17 to be distributed by the department to regional nonprofit  
 18 tourism corporations in the ratio of the proceeds collected  
 19 in each tourism region to the total proceeds collected  
 20 statewide;

21 (iii) if 25% of the proceeds collected annually within  
 22 the limits of a city or consolidated city-county exceeds  
 23 \$35,000, 50% of the amount available for distribution to the  
 24 regional nonprofit tourism corporation in the region where  
 25 the city or consolidated city-county is located is to be

1 distributed to the nonprofit convention and visitors bureau  
 2 in that city or consolidated city-county.

3 (2) If a city or consolidated city-county qualifies  
 4 under this section for funds but fails to either recognize a  
 5 nonprofit convention and visitors bureau or submit and gain  
 6 approval for an annual marketing plan as required in  
 7 15-65-122, then those funds must be allocated to the  
 8 regional nonprofit tourism corporation in the region in  
 9 which the city or consolidated city-county is located.

10 (3) If a regional nonprofit tourism corporation fails  
 11 to submit and gain approval for an annual marketing plan as  
 12 required in 15-65-122, then those funds otherwise allocated  
 13 to the regional nonprofit tourism corporation may be used by  
 14 the department of commerce for tourism promotion and  
 15 promotion of the state as a location for the production of  
 16 motion pictures and television commercials.

17 (4) The department of commerce may use general fund  
 18 loans for efficient implementation of this section.

19 (5) On or before September 1, 1992, the department  
 20 shall transfer \$220,000 from the state special revenue  
 21 account specified in subsection (1) to the general fund."

22 **Section 2.** Section 20-7-504, MCA, is amended to read:

23 "20-7-504. State traffic education account -- proceeds  
 24 earmarked for the account. (1) There is a traffic education  
 25 account in the treasury of the state of Montana. There

1 Except as provided in subsection (4), there must be paid  
 2 into this account a portion of the fines and forfeitures  
 3 collected in any court except a justice's court from persons  
 4 apprehended or arrested by highway patrol officers or  
 5 department of transportation peace officers for any  
 6 violation of chapter 3, part 1 of chapter 4, or chapters 5  
 7 through 10 of Title 61 relating to the operation or use of  
 8 motor vehicles in the following amounts:

- 9 (a) if a fine is imposed, 25% of the fine imposed;
- 10 (b) if multiple offenses are involved, 25% of the total  
 11 sum of all fines imposed;
- 12 (c) if a fine is suspended, in whole or in part, 25% of  
 13 the fine actually paid; and
- 14 (d) if any deposit of bail is made for an offense to  
 15 which this section applies and the bail is forfeited, 25% of  
 16 the forfeited bail.

17 (2) A portion of all money from the collection of fees  
 18 from driver's licenses, motorcycle endorsements, and  
 19 duplicate driver's licenses must be contributed to the  
 20 traffic education account as provided in 61-5-121.

21 (3) Money collected and accrued from motorcycle safety  
 22 training courses, designated grants, and motorcycle  
 23 registration fees or an amount equal to that amount must be  
 24 deposited in the state traffic education account as provided  
 25 in 20-7-513 and 20-7-514 and must be available to support

1 only approved motorcycle safety training courses,  
 2 appropriate motorcycle safety instructor training, and other  
 3 related motorcycle safety training activities.

4 (4) On September 17, 1992 [THE EFFECTIVE DATE OF THIS  
 5 ACT], the superintendent of public instruction shall ~~after~~  
 6 ~~payments-are-made-to-schools,~~ transfer the balance remaining  
 7 in \$300,000 FROM the state traffic education account to the  
 8 general fund."

9 **Section 3.** Section 50-60-508, MCA, is amended to read:

10 **"50-60-508. Permit fees.** (1) The department of commerce  
 11 shall establish permit fees in accordance with the Montana  
 12 Administrative Procedure Act, and except as provided in  
 13 subsection (3), the fees shall be deposited to the state  
 14 special revenue fund of the department for use in the  
 15 administration and enforcement of this part and the Montana  
 16 state plumbing code.

17 (2) For the purpose of 50-60-505 through 50-60-513, a  
 18 sanitary plumbing outlet on or to which a plumbing fixture  
 19 or appliance may be set or attached shall be construed to be  
 20 a fixture. Fees for reconnection and retest of plumbing  
 21 systems in relocated buildings shall be based on the number  
 22 of plumbing fixtures, gas systems, water heaters, and the  
 23 like involved.

24 (3) On or before September 1, 1992, the department  
 25 shall transfer ~~\$550,000~~ \$400,000 from the building codes

1 state special revenue account to the general fund."

2 **Section 4.** Section 53-9-109, MCA, is amended to read:

3 **"53-9-109. Crime victims compensation and assistance**  
 4 **account.** (1) There is a crime victims compensation and  
 5 assistance account in the state special revenue fund. There  
 6 shall be paid into this account 18% of the fines assessed  
 7 and bails forfeited, except those paid to a justice's court,  
 8 on all offenses involving a violation of chapter 3, part 1  
 9 of chapter 4, or chapters 5 through 10 of Title 61 that are  
 10 a result of citations or tickets issued by the highway  
 11 patrol. ~~The~~ Except as provided in subsection (2), the money  
 12 in the account is to be used solely for the purposes of this  
 13 part and for victims' assistance program coordination and  
 14 planning provided by the division. ~~No~~ Except as provided in  
 15 subsection (2), no fund balance in the account at the end of  
 16 a fiscal year may be deposited in the general fund.

17 (2) On or before September 1, 1992, the division shall  
 18 transfer \$150,000 \$100,000 from the crime victims  
 19 compensation and assistance account to the general fund."

20 **Section 5.** Section 61-5-121, MCA, is amended to read:

21 **"61-5-121. (Temporary) Disposition of fees.** (1) The  
 22 disposition of the fees from driver's licenses provided for  
 23 in 61-5-111(7)(a), motorcycle endorsements provided for in  
 24 61-5-111(7)(b), commercial vehicle operator's endorsements  
 25 provided for in 61-5-111(7)(c), and duplicate driver's

1 licenses provided for in 61-5-114 is as follows:

2 (a) ~~The~~ Except as provided in subsection (4), the  
 3 amount of 25% of each driver's license fee and of each  
 4 duplicate driver's license fee must be deposited into an  
 5 account in the state special revenue fund. The department  
 6 shall transfer the funds from this account to the Montana  
 7 highway patrol officers' retirement pension trust fund as  
 8 provided in 19-6-404. Funds transferred from the account are  
 9 statutorily appropriated, as provided in 17-7-502, to the  
 10 pension trust fund.

11 (b) (i) If the fees are collected by a county treasurer  
 12 or other agent of the department, the amount of 3.75% of  
 13 each driver's license fee and of each duplicate driver's  
 14 license fee must be deposited into the county general fund.

15 (ii) Except as provided in subsection (3), if the fees  
 16 are collected by the department, the amount provided for in  
 17 subsection (1)(b)(i) must be deposited into the state  
 18 special revenue fund for use by the department to defray the  
 19 costs of issuing licenses or duplicate licenses.

20 (c) (i) If the fee is collected by a county treasurer  
 21 or other agent of the department, the amount of 5% of each  
 22 motorcycle endorsement must be deposited into the county  
 23 general fund.

24 (ii) Except as provided in subsection (3), if the fee is  
 25 collected by the department, the amount provided for in

1 subsection (1)(c)(i) must be deposited into the state  
2 special revenue fund for use by the department to defray the  
3 costs of issuing motorcycle endorsements.

4 (d) The amount of 17.5% of each driver's license fee  
5 and of each duplicate driver's license fee must be deposited  
6 into the state traffic education account.

7 (e) The amount of 53.75% of each driver's license fee  
8 and of each duplicate driver's license fee must be deposited  
9 into the state general fund.

10 (f) If the fee is collected by the county treasurer or  
11 other agent of the department, the amount of 3.75% of each  
12 commercial vehicle operator's endorsement fee must be  
13 deposited into the county general fund, otherwise all of the  
14 fee must be deposited in the state general fund.

15 (g) The amount of 95% of each motorcycle endorsement  
16 fee must be deposited into the state traffic education  
17 account in the state special revenue fund.

18 (2) (a) If fees from driver's licenses, commercial  
19 vehicle operator's endorsements, motorcycle endorsements,  
20 and duplicate driver's licenses are collected by a county  
21 treasurer or other agent of the department, he shall deposit  
22 the amounts provided for in subsections (1)(b)(i) and  
23 (1)(c)(i) into the county general fund. He shall then remit  
24 to the state treasurer all remaining fees, together with a  
25 statement indicating what portion of each fee is to be

1 deposited into the account in the state special revenue fund  
2 as provided in subsection (1)(a), the state traffic  
3 education account, and the state general fund. The state  
4 treasurer, upon receipt of the fees and statement, shall  
5 deposit the fees as provided in subsections (1)(a) and  
6 (1)(d) through (1)(g).

7 (b) If fees from driver's licenses, commercial vehicle  
8 operator's endorsements, motorcycle endorsements, and  
9 duplicate driver's licenses are collected by the department,  
10 it shall remit all fees to the state treasurer, together  
11 with a statement indicating what portion of each fee is to  
12 be deposited into the account in the state special revenue  
13 fund as provided in subsection (1)(a), the state special  
14 revenue fund, the state traffic education account, and the  
15 state general fund. The state treasurer, upon receipt of the  
16 fees and statement, shall deposit the fees as provided in  
17 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
18 through (1)(g).

19 (3) On or before June 30, 1993, the balance in the  
20 driver's license collections account in the state special  
21 revenue fund collected pursuant to subsections (1)(b)(ii)  
22 and (1)(c)(ii) must be transferred to the general fund.

23 (4) On or before September 1, 1992, the department  
24 shall transfer \$750,000 from the state special revenue fund  
25 provided for in subsection (1)(a) to the general fund.

(Terminates July 1, 1993--sec. 7(1), Ch. 5, Sp. L. January 1992.)

61-5-121. (Effective July 1, 1993) Disposition of fees.

(1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 25% of each driver's license fee and of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 3.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the general fund.

(c) (i) If the fee is collected by a county treasurer

or other agent of the department, the amount of 5% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the general fund.

(d) The amount of 17.5% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of 53.75% of each driver's license fee and of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 3.75% of each commercial vehicle operator's endorsement fee must be deposited into the county general fund, otherwise all of the fee must be deposited in the state general fund.

(g) The amount of 95% of each motorcycle endorsement fee must be deposited into the state traffic education account in the state special revenue fund.

(2) (a) If fees from driver's licenses, commercial vehicle operator's endorsements, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, he shall deposit



1 the amounts provided for in subsections (1)(b)(i) and  
 2 (1)(c)(i) into the county general fund. He shall then remit  
 3 to the state treasurer all remaining fees, together with a  
 4 statement indicating what portion of each fee is to be  
 5 deposited into the account in the state special revenue fund  
 6 as provided in subsection (1)(a), the state traffic  
 7 education account, and the state general fund. The state  
 8 treasurer, upon receipt of the fees and statement, shall  
 9 deposit the fees as provided in subsections (1)(a) and  
 10 (1)(d) through (1)(g).

11 (b) If fees from driver's licenses, commercial vehicle  
 12 operator's endorsements, motorcycle endorsements, and  
 13 duplicate driver's licenses are collected by the department,  
 14 it shall remit all fees to the state treasurer, together  
 15 with a statement indicating what portion of each fee is to  
 16 be deposited into the account in the state special revenue  
 17 fund as provided in subsection (1)(a), the state special  
 18 revenue fund, the state traffic education account, and the  
 19 state general fund. The state treasurer, upon receipt of the  
 20 fees and statement, shall deposit the fees as provided in  
 21 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d)  
 22 through (1)(g)."

23 **Section 6.** ~~Section 75-10-532, MCA, is amended to read:~~  
 24 ~~"75-10-532. Disposition of moneys collected. All (1)~~  
 25 ~~Except as provided in subsection (2), all moneys received~~

1 ~~from the sale of the junk vehicles or from recycling of the~~  
 2 ~~material and all motor vehicle wrecking facility license~~  
 3 ~~fees and fees collected as motor vehicle disposal fees shall~~  
 4 ~~be deposited with the state treasurer to be utilized for:~~  
 5 ~~(1)(a) the control, collection, recycling, and disposal~~  
 6 ~~of junk vehicles and component parts; and~~  
 7 ~~(2)(b) implementation by the department of health and~~  
 8 ~~environmental sciences during the 1987 biennium of the~~  
 9 ~~federal Comprehensive Environmental Response, Compensation,~~  
 10 ~~and Liability Act of 1980 in accordance with 75-10-601~~  
 11 ~~through 75-10-604, and the Montana Hazardous Waste Act in~~  
 12 ~~accordance with 75-10-401 through 75-10-421, up to an amount~~  
 13 ~~not exceeding \$507,690.~~

14 ~~(2) On or before September 1, 1992, the department~~  
 15 ~~shall transfer \$450,000 from the junk vehicle disposal~~  
 16 ~~account to the general fund."~~

17 **Section 7.** ~~Section 76-13-111, MCA, is amended to read:~~  
 18 ~~"76-13-111. Permissible expenditures. (1) The following~~  
 19 ~~funds may be expended as directed by the department for fire~~  
 20 ~~prevention, detection, suppression, and for forest range,~~  
 21 ~~water, and soil conservation:~~

22 ~~(a) all moneys collected by county treasurers as~~  
 23 ~~assessments on forest lands for forest protection;~~

24 ~~(b) moneys collected for the abatement of public~~  
 25 ~~nuisances;~~

1 (c) all fines collected, except those collected in a  
 2 justice's court, for violations of this part or part 2;  
 3 (d) the state's share of the cooperative fire  
 4 protection funds allocated by the federal government;  
 5 (e) any other funds provided for the purposes herein  
 6 indicated in this section;  
 7 (2) All Except as provided in 76-13-415(6), all other  
 8 cooperative funds collected, appropriated, or allocated for  
 9 the use of the department, including funds for the removal  
 10 of slash hazards resulting from logging or other wood  
 11 operations on state and private forest lands, those provided  
 12 for the purpose of helping to maintain the maximum  
 13 productivity of the forests of the state, those provided for  
 14 purposes designed to assist the farmers of the state in the  
 15 establishment of windbreaks and woodlots in localities where  
 16 those forest plantings are helpful, and funds for other  
 17 cooperative work, may not be expended except for the  
 18 specific purposes for which they were collected,  
 19 appropriated, or allocated;"

20 **Section 8.** Section 76-13-415, MCA, is amended to read:  
 21 "76-13-415. Forestry extension service account ---  
 22 purpose --- appropriation. (1) There is a forestry extension  
 23 service account in the current restricted fund provided for  
 24 in 17-2-102.  
 25 (2) There must be deposited in the account:

1 (a) all revenue from the fire hazard reduction  
 2 agreement provided for in 76-13-408(3);  
 3 (b) all revenue from the master fire hazard reduction  
 4 agreement provided for in 76-13-414(3)(b); and  
 5 (c) except as provided in subsection (6), money  
 6 received by the department of state lands in the form of  
 7 legislative appropriations, reimbursements, gifts, federal  
 8 funds, or appropriations from any source intended to be used  
 9 for the purposes of this account;  
 10 (3) Money in the account is available to the Montana  
 11 university system by appropriation for the uses set forth in  
 12 subsection (4). Any unencumbered and unexpended balance of  
 13 this account remaining at the end of a fiscal year does not  
 14 lapse but must be carried forward for the purposes of this  
 15 section until expended or appropriated;  
 16 (4) Except as provided in subsection (5), money in the  
 17 account may be used by the university system only to fund  
 18 forestry services through the Montana cooperative extension  
 19 service of Montana state university. The forestry services  
 20 must be conducted at Montana state university, the  
 21 university of Montana, and Flathead Valley community  
 22 college;  
 23 (5) The use of money in this account by the Montana  
 24 university system is contingent upon the university system  
 25 funding the extension service's forestry and natural

1 resources program at a biennial level of at least \$100,000  
2 from sources other than the account:

3 {6}--On or before September 17, 1992, the department  
4 shall transfer \$67,000 from the slash disposal account to  
5 the general fund."

6 **Section 9.** Section 76-14-112, MCA, is amended to read:

7 "76-14-112. Range land improvement loan special revenue  
8 account. (1) There is created a range land improvement loan  
9 special revenue account within the state special revenue  
10 fund established in 17-2-102.

11 (2) There Except as provided in subsection (3), there  
12 must be allocated to the range land improvement loan  
13 earmarked account any principal and accrued interest  
14 received in repayment of a loan made under the range land  
15 improvement loan program and any fees or charges collected  
16 by the department pursuant to 76-14-116 for the servicing of  
17 loans, including arrangements for obtaining security  
18 interests.

19 {3}--On or before September 17, 1992, the department  
20 shall transfer \$500,000 from the range land improvement loan  
21 special revenue account to the general fund."

22 **Section 10.** Section 81-3-107, MCA, is amended to read:

23 "81-3-107. Fees for department. (1) The department  
24 shall establish, charge and collect a fee for recording a  
25 new mark or brand, for recording a mark or brand transfer,

1 or for rerecording a mark or brand. The department shall  
2 establish and charge a fee for providing a certified copy of  
3 a record and a duplicate certificate. The department may  
4 upon request research mark or brand histories and may charge  
5 a fee of up to \$50 per mark or brand, based on time involved  
6 in research. All Except as provided in subsection (2), all  
7 fees collected shall be paid into the state special revenue  
8 fund for the use of the department. However, not more than  
9 10% of the net rerecording fees after all expenses of  
10 rerecording are paid may be expended in any one year except  
11 in case of an emergency declared by the governor.

12 {2}--On or before September 17, 1992, the department  
13 shall transfer \$1 million from the state special revenue  
14 fund account specified in subsection (1) to the general  
15 fund."

16 **NEW SECTION. Section 11.** Air operation internal

17 service account. On or before September 17, 1992, the  
18 department of state lands shall transfer \$200,000 from the  
19 air operation internal service account to the general fund.

20 **NEW SECTION. Section 12.** Receipt of restitution. After

21 reimbursing the legislative auditor for auditing expenses  
22 incurred, the department of livestock shall deposit in the  
23 general fund any restitution money received for aircraft  
24 parts on or after {the effective date of this act}.

25 **SECTION 6.** SECTION 90-6-107, MCA, IS AMENDED TO READ:

1 "90-6-107. Deposit and expenditure of funds. (1) There  
 2 is a housing authority enterprise fund in the proprietary  
 3 fund type as provided for in 17-2-102(1)(b). All funds from  
 4 the proceeds of bonds issued under this part, fees, and  
 5 other moneys received by the board, moneys appropriated by  
 6 the legislature for the use of the board in carrying out  
 7 this part, and moneys made available from any other source  
 8 for the use of the board shall be deposited in the housing  
 9 authority enterprise fund except where otherwise provided in  
 10 subsection (4) or by law. All funds deposited in the housing  
 11 authority enterprise fund, except funds appropriated by the  
 12 legislature for use of the board in payment of expenses  
 13 incurred in carrying out this part, are continuously  
 14 appropriated to and may be expended by the board for the  
 15 purposes authorized in this part.

16 (2) There is a capital reserve account in the housing  
 17 authority enterprise fund provided for in subsection (1).  
 18 The capital reserve account consists of the aggregate of  
 19 moneys retained by the board under existing agreements with  
 20 bondholders as the minimum capital reserve requirement  
 21 described in 90-6-119 for each bond issue sold by the board.

22 (3) Funds appropriated by the legislature for use of  
 23 the board in payment of expenses incurred in carrying out  
 24 this part shall be deposited in the housing authority  
 25 enterprise fund. Funds expended by the board under this

1 subsection shall be repaid by the board from the fees and  
 2 charges collected under this part and from any other moneys  
 3 available for such repayment in accordance with this part.

4 (4) On or before September 1, 1992, the board shall  
 5 transfer \$500,000 from the fund specified in subsection (1)  
 6 to the general fund."

7 NEW SECTION. Section 7. Severability. If a part of  
 8 [this act] is invalid, all valid parts that are severable  
 9 from the invalid part remain in effect. If a part of [this  
 10 act] is invalid in one or more of its applications, the part  
 11 remains in effect in all valid applications that are  
 12 severable from the invalid applications.

13 NEW SECTION. Section 8. Effective date -- termination.  
 14 (1) [This act] is effective on passage and approval.  
 15 (2) [Sections 1 through ~~4~~ 5 6] terminate September 2,  
 16 1992.

-End-