

HOUSE BILL 43

Introduced by Dowell, et al.

7/10	Introduced
7/10	Referred to Taxation
7/11	First Reading
7/11	Fiscal Note Requested
7/13	Fiscal Note Received
7/13	Fiscal Note Printed
7/14	Hearing
	Died in Committee

1 *House* BILL NO. 43
2 INTRODUCED BY *David J. Cunningham, Cornelly, Dolez!*
3 *Hopoff, Messure, Blanche*
4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPOSING A \$2 PER NIGHT
5 FEE ON VEHICLES NOT LICENSED IN THIS STATE AND USED FOR
6 CAMPING AT PRIVATE CAMPGROUNDS AND AT AREAS OWNED OR MANAGED
7 BY THE STATE; PROVIDING FOR DISTRIBUTION OF THE FEE
8 PROCEEDS; AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN
9 IMMEDIATE EFFECTIVE DATE."
10

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

12 **Section 1.** Section 23-1-105, MCA, is amended to read:

13 "23-1-105. Fees and charges. (1) The department shall
14 have power to levy and collect reasonable fees or other
15 charges for the use of privileges and conveniences as may be
16 provided and to grant concessions as it considers advisable,
17 except as provided in subsection (2). All money derived from
18 the fees imposed by this section and the activities of the
19 department must be deposited in the state treasury in a
20 state special revenue fund to the credit of the department,
21 except that one-half of the money derived from the fee
22 imposed by subsection (5) must be deposited in the general
23 fund.

24 (2) Overnight camping fees established by the
25 department under subsection (1) must be discounted 50% for a

1 campsite rented by a person who is a resident of Montana as
2 defined in 87-2-102 and either 62 years of age or older or
3 certified as disabled in accordance with rules adopted by
4 the department.

5 (3) For a violation of any fee collection rule
6 involving a vehicle, the registered owner of the vehicle at
7 the time of the violation is personally responsible if an
8 adult is not in the vehicle at the time the violation is
9 discovered by an authorized officer. A defense that the
10 vehicle was driven into the fee area by another person is
11 not allowable unless it is shown that at that time the
12 vehicle was being used without the consent of the registered
13 owner.

14 (4) Money received from the collection of fees and
15 charges is not subject to the deposit requirements of
16 17-6-105. The department shall deposit money collected under
17 this section within a reasonable time after receipt.

18 (5) There is an additional \$2 per night fee for each
19 vehicle, defined in 61-1-129 through 61-1-131, or any other
20 vehicle designed or altered to provide temporary sleeping
21 quarters that is not licensed in this state and that is used
22 at a location subject to the fees provided for in subsection
23 (1)."

24 NEW SECTION. Section 2. Overnight vehicle camping fee
25 -- disposition. There is a \$2 per night fee for each

1 vehicle, defined in 61-1-129 through 61-1-131, or any other
2 vehicle designed or altered to provide temporary sleeping
3 quarters that is not licensed in this state and that is used
4 at a campground by the campground's patrons. The campground
5 licensee shall collect the fee proceeds and on or before the
6 10th day of each calendar month mail the fee proceeds
7 collected in the prior calendar month to the state
8 treasurer, who shall deposit them in the state treasury in
9 the state special revenue fund referred to in 23-1-105(1).

10 NEW SECTION. **Section 3.** Codification instruction.
11 [Section 2] is intended to be codified as an integral part
12 of Title 50, chapter 52, part 1, and the provisions of Title
13 50, chapter 52, part 1, apply to [section 2].

14 NEW SECTION. **Section 4.** Effective date. [This act] is
15 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0043, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act imposing a \$2 per night fee on vehicles not licensed in this state and used for camping at private campgrounds and at areas owned or managed by the state; providing for distribution of the fee proceeds; and providing an immediate effective date.

ASSUMPTIONS:

Fish, Wildlife & Parks Campgrounds


1. Annually there are 25,000 non-resident camper nights in state-owned campgrounds.
2. Campground use begins 5/15 and ends 9/15 (4 months).
3. Collections of the \$2 fee would start on 9/1/92.
4. Only 2 months of revenue would be collected in FY93.
5. Costs to resign existing state campgrounds is \$1,000.
6. There will be no reduction in usage of state campgrounds by non-residents as a result of higher fees.

Private Campgrounds

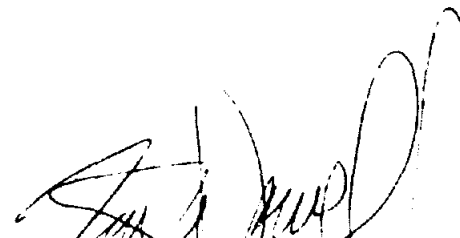
1. According to the Montana 1992 Recreation Guide prepared by the Department of Commerce, there are 5,116 private RV stalls in Montana.
2. There is an 80% occupancy rate, of which 60% are non-residents.
3. The camping season begins 6/1 and ends 8/30 (3 months).
4. Only 1 month of revenue would be collected in FY93.
5. The fees would be collected through the same process as the bed tax (by the Department of Revenue).

[FWP does not have data on the amount of non-resident use at local government campgrounds. Consequently, the fiscal impact is understated.]

(Fiscal Impact - see next page)



STEVE YEAKEL, BUDGET DIRECTOR 2/13/92 DATE
Office of Budget and Program Planning



TIM DOWELL, PRIMARY SPONSOR 2/10/92 DATE

Fiscal Note for HB0043, as introduced

FISCAL IMPACT:

	<u>FY93</u>
<u>Revenue:</u>	
Net FWP Campground Fee Collections	\$ 23,000
Private Campground Fee Collections	<u>147,000</u>
Total	\$170,000

Funding:

General Fund	\$ 85,000
State Special	<u>85,000</u>
Total	\$170,000

(Data is not available on the fiscal impact of local government campgrounds.)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Some local governments do have overnight camping and would be impacted by the bill. Data is not available to estimate the impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The proposal should generate \$492,000 (\$246,000 General Fund) in FY94 when it is fully implemented.

TECHNICAL NOTES:

It is unclear who coordinates implementation of the act with private and local government campgrounds on such items as printing campground permits, remittances, audits, etc. It is assumed it would be handled in the same manner as the bed tax collection through the Department of Revenue. To fit this process, the bill should require quarterly rather than monthly remittance.

The bill is effective on passage and approval. To avoid disruption to campground operators in the middle of the camping season, an effective date after the end of this camping season may be more appropriate.