

SENATE BILL NO. 43

INTRODUCED BY FRITZ, DOWELL, ROSE, GERVASIS, HARP

IN THE SENATE

DECEMBER 7, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

 FIRST READING.

DECEMBER 14, 1993 ON MOTION, TAKEN FROM COMMITTEE AND
PLACED ON 2ND READING.

 PRINTING REPORT.

DECEMBER 15, 1993 SECOND READING, DO PASS.

 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 27; NOES, 23.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

DECEMBER 16, 1993 INTRODUCED AND REFERRED TO COMMITTEE
ON APPROPRIATIONS.

 FIRST READING.

DECEMBER 17, 1993 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

 SECOND READING, CONCURRED IN.

 THIRD READING, CONCURRED IN.
AYES, 66; NOES, 30.

 RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

DECEMBER 18, 1993 RECEIVED FROM HOUSE.

 SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 state park account;

2 (b) ~~1/2~~ 1/4 of 1% of all money must be deposited in a

3 snowmobile account in the state special revenue fund;

4 (c) 1/8 of 1% of all money must be deposited in an

5 off-highway vehicle account in the state special revenue

6 fund; and

7 (d) 1/25 of 1% of all money must be deposited in the

8 aeronautics revenue fund of the department of transportation

9 under the provisions of 67-1-301.

10 (e) The remainder of the money must be used:

11 (i) by the department of transportation on the highways

12 in this state selected and designated by the commission;

13 (ii) for collection of the license taxes; and

14 (iii) for the enforcement of the Montana highway code

15 under Article VIII, section 6, of the constitution of this

16 state.

17 (2) The department shall, in expending this money,

18 carry forward construction from year to year, using the

19 money expended in accordance with this title. Nothing in

20 this title conflicts with Title 23, U.S.C., and the rules by

21 which it is administered.

22 (3) The department may enter into cooperative

23 agreements with the national park service and the federal

24 highway administration for the purpose of maintaining

25 national park approach roads in Montana.

(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed, except for the payment of refunds under 15-70-221 through 15-70-226. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

(5) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost and to promote snowmobile safety, and 10% of the amount deposited in the snowmobile account must be used to promote snowmobile safety. The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, not less than $1\frac{1}{2}$ 1/4 of 1% is used for propelling snowmobiles on public lands of this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited

in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, not less than 1/25 of 1% is used for propelling aircraft in this state."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1994.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0043, as introduced.

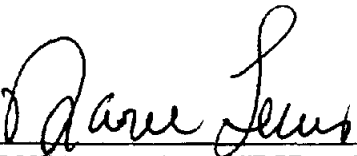
DESCRIPTION OF PROPOSED LEGISLATION: An act revising the allocation of the distributor's gasoline license tax; reducing the allocation to the snowmobile account from 1/2 of 1 percent to 1/4 of 1 percent; and providing an effective date.


ASSUMPTIONS:

1. The bill becomes effective July 1, 1994.
2. Revenue not being deposited in the Snowmobile Account as a result of passage of this bill will be deposited in the Highway State Special Revenue Fund (Highway Trust Fund). This account funds the Department of Transportation's Federal Aid Highway program at a 87% federal 13% state ratio, a portion of the 100% state funded Reconstruction Trust Fund projects, the State Maintenance program, the Motor Carrier Services program and the General Administration programs. The account also funds portions of the Departments of Justice; Fish, Wildlife and Parks; and Administration.
3. Gallonage figures used in the projections are based on ROC figures for gasoline sales.
4. The gas tax rate will increased to \$0.27 on July 1, 1994.

FISCAL IMPACT:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
Gas Tax Revenue Estimate - DOT	96,045,189	96,045,189	0	107,858,292	108,153,813	295,521
Gas Tax Revenue Estimate - FWP	528,585	528,585	0	627,000	331,479	(295,521)
Total	96,573,774	96,573,774	0	108,485,292	108,485,292	0
<u>Funding:</u>						
A/E 02422 Highway Trust Fund	96,045,189	96,045,189	0	107,858,292	108,153,813	295,521
A/E 02407 Snowmobile Fuel Tax	528,585	528,585	0	627,000	331,479	(295,521)

 12.9
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 HARRY FRITZ, PRIMARY SPONSOR DATE
 Fiscal Note for SB0043, as introduced

SB 43

MOTION TO MOVE FROM
COMMITTEE TO 2ND READING

53rd Legislature
Special Session 11/93

LC 0184/01

LC 0184/01

COMM. ON
FINANCE AND CLAIMS

1 *Senate* BILL NO. *43*
2 INTRODUCED BY *Fitz* *Daniel* *Rose* *Harmon*
3 *HARP*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION
5 OF THE DISTRIBUTOR'S GASOLINE LICENSE TAX; REDUCING THE
6 ALLOCATION TO THE SNOWMOBILE ACCOUNT FROM 1/2 OF 1 PERCENT
7 TO 1/4 OF 1 PERCENT; AMENDING SECTION 60-3-201, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 60-3-201, MCA, is amended to read:
12 "60-3-201. Distribution and use of proceeds of gasoline
13 dealers' license tax. (1) All money received in payment of
14 license taxes under the Distributor's Gasoline License Tax
15 Act, except those amounts paid out of the department of
16 transportation's suspense account for gasoline tax refund,
17 must be used and expended as provided in this section. The
18 portion of that money on hand at any time that is needed to
19 pay highway bonds and interest on highway bonds when due and
20 to accumulate and maintain a reserve for payment of highway
21 bonds and interest, as provided in laws and in resolutions
22 of the state board of examiners authorizing the bonds, must
23 be deposited in the highway bond account in the debt service
24 fund established by 17-2-102. Subject to that provision:
25 (a) 9/10 of 1% of all money must be deposited in the

1 state park account;
2 (b) ~~1/2~~ 1/4 of 1% of all money must be deposited in a
3 snowmobile account in the state special revenue fund;
4 (c) 1/8 of 1% of all money must be deposited in an
5 off-highway vehicle account in the state special revenue
6 fund; and
7 (d) 1/25 of 1% of all money must be deposited in the
8 aeronautics revenue fund of the department of transportation
9 under the provisions of 67-1-301.
10 (e) The remainder of the money must be used:
11 (i) by the department of transportation on the highways
12 in this state selected and designated by the commission;
13 (ii) for collection of the license taxes; and
14 (iii) for the enforcement of the Montana highway code
15 under Article VIII, section 6, of the constitution of this
16 state.
17 (2) The department shall, in expending this money,
18 carry forward construction from year to year, using the
19 money expended in accordance with this title. Nothing in
20 this title conflicts with Title 23, U.S.C., and the rules by
21 which it is administered.
22 (3) The department may enter into cooperative
23 agreements with the national park service and the federal
24 highway administration for the purpose of maintaining
25 national park approach roads in Montana.

(4) Money credited to the state park account in the state special revenue fund may be used only for the creation, improvement, and maintenance of state parks where motorboating is allowed, except for the payment of refunds under 15-70-221 through 15-70-226. The legislature finds that of all the fuel sold in the state for consumption in internal combustion engines, not less than 9/10 of 1% is used for propelling boats on waterways of this state.

(5) Money credited to the snowmobile account may be used only to develop and maintain facilities open to the general public at no admission cost and to promote snowmobile safety, and 10% of the amount deposited in the snowmobile account must be used to promote snowmobile safety. The legislature finds that of all fuels sold in this state for consumption in internal combustion engines, not less than $\frac{1}{2} \frac{1}{4}$ of 1% is used for propelling snowmobiles on public lands of this state.

(6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to 10% of the money deposited

in the off-highway vehicle account may be used to repair areas that are damaged by off-highway vehicles.

(b) The legislature finds that of all fuel sold in this state for consumption in internal combustion engines, not less than 1/8 of 1% is used for propelling off-highway vehicles in this state.

(7) Money credited to the aeronautics account of the department of transportation may be used only to develop, improve, and maintain facilities open to the public at no admission cost and to promote aviation safety. The legislature finds that of all the fuel sold in this state for consumption in internal combustion engines, not less than 1/25 of 1% is used for propelling aircraft in this state."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1994.

-End-

1 *Senate* BILL NO. *43*
2 INTRODUCED BY *Finley* *Small* *Rose* *Spencer*
3 *HARP*
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION
5 OF THE DISTRIBUTOR'S GASOLINE LICENSE TAX; REDUCING THE
6 ALLOCATION TO THE SNOWMOBILE ACCOUNT FROM 1/2 OF 1 PERCENT
7 TO 1/4 OF 1 PERCENT; AMENDING SECTION 60-3-201, MCA; AND
8 PROVIDING AN EFFECTIVE DATE."

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

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14 license taxes under the Distributor's Gasoline License Tax
15 Act, except those amounts paid out of the department of
16 transportation's suspense account for gasoline tax refund,
17 must be used and expended as provided in this section. The
18 portion of that money on hand at any time that is needed to
19 pay highway bonds and interest on highway bonds when due and
20 to accumulate and maintain a reserve for payment of highway
21 bonds and interest, as provided in laws and in resolutions
22 of the state board of examiners authorizing the bonds, must
23 be deposited in the highway bond account in the debt service
24 fund established by 17-2-102. Subject to that provision:

25 (a) 9/10 of 1% of all money must be deposited in the

1 state park account;

2 (b) ~~1/2~~ 1/4 of 1% of all money must be deposited in a
3 snowmobile account in the state special revenue fund;

4 (c) 1/8 of 1% of all money must be deposited in an
5 off-highway vehicle account in the state special revenue
6 fund; and

7 (d) 1/25 of 1% of all money must be deposited in the
8 aeronautics revenue fund of the department of transportation
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11 (i) by the department of transportation on the highways
12 in this state selected and designated by the commission;

13 (ii) for collection of the license taxes; and

14 (iii) for the enforcement of the Montana highway code
15 under Article VIII, section 6, of the constitution of this
16 state.

17 (2) The department shall, in expending this money,
18 carry forward construction from year to year, using the
19 money expended in accordance with this title. Nothing in
20 this title conflicts with Title 23, U.S.C., and the rules by
21 which it is administered.

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23 agreements with the national park service and the federal
24 highway administration for the purpose of maintaining
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NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 1994.

-End-



HOUSE STANDING COMMITTEE REPORT

December 17, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Appropriations report that Senate Bill No. 43 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Tom Zook
Tom Zook, Chair

And, that such amendments read:

Carried by: Rep. Dowell

1. Title, line 7.

Strike: "1/4"

Insert: "23/64"

2. Page 2, line 2.

Strike: "1/4"

Insert: "23/64"

3. Page 3, line 16.

Strike: "1/4"

Insert: "23/64"

-END-

Committee Vote:

Yes 13, No 4.

SB 43

HOUSE

SB 43
12-17-93
3:30

SENATE BILL NO. 43

INTRODUCED BY FRITZ, DOWELL, ROSE, GERVAIS, HARP

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE ALLOCATION OF THE DISTRIBUTOR'S GASOLINE LICENSE TAX; REDUCING THE ALLOCATION TO THE SNOWMOBILE ACCOUNT FROM 1/2 OF 1 PERCENT TO ~~1/4~~ 23/64 OF 1 PERCENT; AMENDING SECTION 60-3-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 60-3-201, MCA, is amended to read:

"60-3-201. Distribution and use of proceeds of gasoline dealers' license tax. (1) All money received in payment of license taxes under the Distributor's Gasoline License Tax Act, except those amounts paid out of the department of transportation's suspense account for gasoline tax refund, must be used and expended as provided in this section. The portion of that money on hand at any time that is needed to pay highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for payment of highway bonds and interest, as provided in laws and in resolutions of the state board of examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund established by 17-2-102. Subject to that provision:

(a) 9/10 of 1% of all money must be deposited in the

state park account;

(b) ~~1/2~~ 1/4 23/64 of 1% of all money must be deposited in a snowmobile account in the state special revenue fund;

(c) 1/8 of 1% of all money must be deposited in an off-highway vehicle account in the state special revenue fund; and

(d) 1/25 of 1% of all money must be deposited in the aeronautics revenue fund of the department of transportation under the provisions of 67-1-301.

(e) The remainder of the money must be used:

(i) by the department of transportation on the highways in this state selected and designated by the commission;

(ii) for collection of the license taxes; and

(iii) for the enforcement of the Montana highway code under Article VIII, section 6, of the constitution of this state.

(2) The department shall, in expending this money, carry forward construction from year to year, using the money expended in accordance with this title. Nothing in this title conflicts with Title 23, U.S.C., and the rules by which it is administered.

(3) The department may enter into cooperative agreements with the national park service and the federal highway administration for the purpose of maintaining national park approach roads in Montana.

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NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1994.

-End-