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Sliter ~~House~~ BILL NO. *600*

INTRODUCED BY _____

BY REQUEST OF THE HOUSE FISH AND GAME COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY FOR FUNDING THE STATE'S RECREATIONAL BOATING SAFETY PROGRAM BY ALLOWING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO CONTRACT WITH COUNTIES TO IMPLEMENT PARTS OF THE PROGRAM; REDUCING FROM 25 PERCENT TO 20 PERCENT THE AMOUNT OF THE BOAT FEE IN LIEU OF TAX THAT MAY BE USED FOR IMPROVING REGIONAL BOATING FACILITIES AND ALLOCATING THAT AMOUNT FOR AN ADDITIONAL 7 YEARS; DELAYING TERMINATION OF THE BOATING ADVISORY COUNCIL FOR 7 YEARS; ALLOWING THE BOATING ADVISORY COUNCIL TO ADVISE THE DEPARTMENT ON THE EXPENDITURE OF ALL FUNDS IN THE MOTORBOAT ACCOUNT AND TO BE REIMBURSED FOR COSTS FROM THE MOTORBOAT ACCOUNT; REVISING THE FINE FOR FAILURE TO PAY THE BOAT FEE IN LIEU OF TAX; REMOVING LAMBETH STATE PARK FROM THE LIST OF PRIMITIVE PARKS IN ORDER TO ALLOW ROAD AND FACILITY IMPROVEMENTS AT THE PARK; ADDING GREYCLIFF PRAIRIE DOG TOWN STATE PARK TO THE LIST OF PRIMITIVE PARKS; AMENDING SECTIONS 23-1-116, 23-2-518, 23-2-519, 23-2-533, AND 23-2-536, MCA, AND SECTION 6, CHAPTER 511, LAWS OF 1993; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

WHEREAS, the state's recreational boating safety program would be substantially strengthened if the Department of Fish, Wildlife, and Parks could delegate part of the administration and enforcement to counties; and

WHEREAS, the 1993 Legislature temporarily allocated 25% of the boat fee in lieu of tax to the motorboat account to improve regional boating facilities under the control of the Department of Fish, Wildlife, and Parks and created the Boating Advisory Council, composed of public members, to advise the Department on the expenditure of those funds; and

WHEREAS, the 1995 Legislature finds it appropriate to authorize the Department to contract with counties for boating safety administration and enforcement and to continue both the allocation for regional boating facilities and the Boating Advisory Council for an additional 7 years.

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

2
3 **NEW SECTION. Section 1. Funding of state recreational boating safety program -- certification of**
4 **county programs -- administration by counties.** (1) The department may in its discretion use available state
5 funds and federal matching funds to contract with counties to implement designated parts of the state
6 recreational boating safety program. If a county accepts a grant, the county shall agree to implement a
7 program that is certified by the department as fulfilling the requirements of the state recreational boating
8 safety program.

9 (2) A county may designate any amount of boat fees in lieu of tax, unless otherwise allocated by
10 23-2-518(2), or other funds for collection by the department for the recreational boating safety program.
11 This money must be used by the department for contracts with counties for the recreational boating safety
12 program.

13
14 **Section 2.** Section 23-2-518, MCA, is amended to read:

15 **"23-2-518. (Temporary) Disposition of fees in lieu of tax.** (1) Except for fees allocated under
16 subsection (2), the county treasurer shall distribute all fees in lieu of tax collected on motorboats 10 feet
17 in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized
18 rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 in the relative proportions
19 required by the levies for state, county, school district, and municipal purposes in the same manner as
20 personal property taxes are distributed.

21 (2) The county treasurer shall allocate ~~25%~~ 20% of all fees in lieu of tax collected under this
22 section to the motorboat account in the state special revenue fund for use by the department as provided
23 in 23-2-533. (Terminates July 1, ~~1995~~ 2002—~~see 6, Ch. 511, L. 1993.~~)

24 **23-2-518. (Effective July 1, ~~1995~~ 2002) Disposition of fees in lieu of tax.** The county treasurer
25 shall distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet
26 in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons
27 pursuant to 23-2-516 and 23-2-517 in the relative proportions required by the levies for state, county,
28 school district, and municipal purposes in the same manner as personal property taxes are distributed."
29

30 **Section 3.** Section 23-2-519, MCA, is amended to read:

1 **"23-2-519. Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in
 2 23-2-517 is a misdemeanor, punishable by a fine equal to ~~five~~ four times the fee in lieu of tax that is due
 3 on the motorboat, sailboat, personal watercraft, motorized canoe, motorized rubber raft, or motorized
 4 pontoon for the current year of registration.

5 (2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

6 (a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft,
 7 motorized canoe, motorized rubber raft, or motorized pontoon is issued a certification number; and

8 (b) 50% to the motorboat account of the state special revenue fund for use by the department in
 9 the enforcement of this part."

10

11 **Section 4.** Section 23-2-533, MCA, is amended to read:

12 **"23-2-533. (Temporary) Use of percentage of boat fees for boat facilities -- designation of fees for**
 13 **regional use.** (1) At the time the fee in lieu of tax imposed under 23-2-516 is collected, the payor shall
 14 designate the fish, wildlife, and parks administrative region in which the majority of the payor's boating
 15 activities take place. Upon receipt of the fee in the motorboat account in the state special revenue fund,
 16 the department shall earmark the fee for use in the designated region.

17 (2) All fees designated to the motorboat account by 23-2-518(2) must be used by the department
 18 to improve regional boating facilities under the control of the department and, in conjunction with other
 19 funds in the motorboat account, to cover costs associated with the boating advisory council created in
 20 23-2-536. The department may use the fees to match available federal funds to the extent possible.
 21 Expenditure of fees must be made after consideration of recommendations by the boating advisory council.
 22 (Terminates July 1, ~~1995~~ 2002 ~~sec. 6, Ch. 511, L. 1993.~~) "

23

24 **Section 5.** Section 23-2-536, MCA, is amended to read:

25 **"23-2-536. (Temporary) Creation of boating advisory council -- appointment of members -- duties.**

26 (1) The department director appointed under 2-15-3401 shall appoint a boating advisory council to advise
 27 the department on the expenditure of funds ~~made available under 23-2-518(2)~~ in the motorboat account
 28 in the state special revenue fund.

29 (2) The boating advisory council must be composed of at least five members of the public, each
 30 of whom must be interested in boating activities and the use of public boating facilities.

1 (3) The boating advisory council is attached to the department in an advisory capacity only, as
2 defined in 2-15-102(8).

3 (4) All costs associated with the boating advisory council must be paid from the fees collected
4 ~~under 23-2-518(2)~~ motorboat account in the state special revenue fund. Council members are not entitled
5 to compensation or travel expenses as provided in 2-15-122. (Terminates July 1, ~~1995~~ 2002 ~~sec. 6, Ch.~~
6 ~~511, L. 1993.~~) "

7

8 **Section 6.** Section 23-1-116, MCA, is amended to read:

9 **"23-1-116. Primitive parks established.** Because of their unique and primarily undeveloped
10 character, the following state parks and management areas are designated as primitive parks and are
11 subject to the provisions of 23-1-115 through 23-1-118:

12 (1) ~~Lambeth (Lake Mary Ronan)~~ Greycliff Prairie Dog Town state park;

13 (2) Thompson Falls state park;

14 (3) Wild Horse Island state park;

15 (4) Lost Creek state park;

16 (5) Painted Rocks state park;

17 (6) Ackley Lake state park;

18 (7) sluice boxes state park;

19 (8) Deadman's basin state park;

20 (9) Pirogue Island state park;

21 (10) Medicine Rocks state park;

22 (11) Headwaters state park;

23 (12) Council Grove state park;

24 (13) Beaverhead Rock state park;

25 (14) Natural Bridge state park; and

26 (15) Madison Buffalo Jump state park."

27

28 **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an
29 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to
30 [section 1].

1 NEW SECTION. **Section 8. Effective date.** [This act] is effective June 30, 1995.

2

3 **Section 9.** Section 6, Chapter 511, Laws of 1993, is amended to read:

4 "Section 6. **Termination.** [This act] terminates June 30, ~~1995~~ 2002."

5

6 NEW SECTION. **Section 10. Termination.** [Sections 1 and 3] terminate June 30, 2002.

7

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0600, as introduced


DESCRIPTION OF PROPOSED LEGISLATION:

An act providing flexibility for funding the state's recreation boating safety program by allowing the Department of Fish, Wildlife and Parks to contract with counties to implement parts of the program; reducing from 25 percent to 20 percent the amount of the boat fee in lieu of tax that may be used for improving regional boating facilities and allocating that amount for an additional 7 years; delaying the termination of the boating advisory council for 7 years; allowing the boating advisory council to advise the department on the expenditure of all funds in the motorboat account and to be reimbursed for costs from the motorboat account; revising the fine for failure to pay the boat fee in lieu of tax; removing Lambeth State Park from the list of primitive parks in order to allow road and facility improvements at the park; adding Greycliff Prairie Dog Town State Park to the list of primitive parks; and providing an effective date and termination date.

ASSUMPTIONS:

1. This legislation will authorize the Department of Fish, Wildlife and Parks (FWP) to contract with counties for boating safety administration and enforcement and to continue both the allocation for regional boating facilities and the Boating Advisory Council for an additional seven years, terminating on June 30, 2002.
2. Participation in the cooperative boat safety program will be at the discretion of the individual counties; therefore, the number of counties that will be participating in the program is unknown at this time.
3. Twenty percent of all fees in lieu of taxes collected will go to the FWP motorboat special revenue account.
4. At the time the fee in lieu of tax is collected, the payor will continue to designate the FWP region in which the majority of the payor's boating activities take place. FWP upon receipt will earmark the funds for use in the appropriate designated areas.
5. FWP will use the fees deposited in the motorboat special revenue account as a one-to-one match with federal Coast Guard funds.
6. All costs associated with the Boating Advisory Council must be paid from the motorboat special revenue account; however, council members are not entitled to compensation or travel expense reimbursement.
7. Total boat fees in lieu of taxes collected in FY96 and FY97 will be the same as actual FY94. Revenues to be collected and deposited in the motorboat special revenue account are projected to be \$148,000 each year.
8. Fine revenues are projected to decrease by twenty percent each year of the biennium, or approximately \$1,400 per year.
9. No fiscal impact is anticipated as a result of the change in primitive park status for Lambeth (Lake Mary Ronan) and Greycliff Prairie Dog Town State Parks.

(continued on page 2)

 3-22-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 3-22-95
PAUL SLITER, PRIMARY SPONSOR DATE

Fiscal Note for HB0600, as introduced

HB 600

(continued)

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Revenues:</u>		
Motorboat Account (02)	148,000	148,000
Fines (02)	<u>(1,400)</u>	<u>(1,400)</u>
Total	146,600	146,600

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Participation in the cooperative boat safety program will be at the discretion of the individual counties.

Twenty percent of all fees in lieu of tax collected will be deposited in the FWP motorboat special revenue account, and will not be distributed to the state, county, school district or municipalities.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This legislation will redirect 20% of the fees in lieu of taxes for a seven year period ending on June 30, 2002. The redirected funds will be made available to individual counties for regional boating facility improvements which will provide long term public benefits.

1 HOUSE BILL NO. 600

2 INTRODUCED BY SLITER

3 BY REQUEST OF THE HOUSE FISH AND GAME COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY FOR FUNDING THE STATE'S
6 RECREATIONAL BOATING SAFETY PROGRAM BY ALLOWING THE DEPARTMENT OF FISH, WILDLIFE,
7 AND PARKS TO CONTRACT WITH COUNTIES TO IMPLEMENT PARTS OF THE PROGRAM; REDUCING
8 FROM 25 PERCENT TO 20 PERCENT THE AMOUNT OF THE BOAT FEE IN LIEU OF TAX THAT MAY BE
9 USED FOR IMPROVING REGIONAL BOATING FACILITIES AND ALLOCATING THAT AMOUNT FOR AN
10 ADDITIONAL 7 YEARS; DELAYING TERMINATION OF THE BOATING ADVISORY COUNCIL FOR 7 YEARS;
11 ALLOWING THE BOATING ADVISORY COUNCIL TO ADVISE THE DEPARTMENT ON THE EXPENDITURE
12 OF ALL FUNDS IN THE MOTORBOAT ACCOUNT AND TO BE REIMBURSED FOR COSTS FROM THE
13 MOTORBOAT ACCOUNT; REVISING THE FINE FOR FAILURE TO PAY THE BOAT FEE IN LIEU OF TAX;
14 REMOVING LAMBETH STATE PARK FROM THE LIST OF PRIMITIVE PARKS IN ORDER TO ALLOW ROAD
15 AND FACILITY IMPROVEMENTS AT THE PARK; ~~ADDING GREYCLIFF PRAIRIE DOG TOWN STATE PARK~~
16 BIG PINE MANAGEMENT AREA TO THE LIST OF PRIMITIVE PARKS; AMENDING SECTIONS 23-1-116,
17 23-2-518, 23-2-519, 23-2-533, AND 23-2-536, MCA, AND SECTION 6, CHAPTER 511, LAWS OF 1993;
18 AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."
19

20 WHEREAS, the state's recreational boating safety program would be substantially strengthened if
21 the Department of Fish, Wildlife, and Parks could delegate part of the administration and enforcement to
22 counties; and

23 WHEREAS, the 1993 Legislature temporarily allocated 25% of the boat fee in lieu of tax to the
24 motorboat account to improve regional boating facilities under the control of the Department of Fish,
25 Wildlife, and Parks and created the Boating Advisory Council, composed of public members, to advise the
26 Department on the expenditure of those funds; and

27 WHEREAS, the 1995 Legislature finds it appropriate to authorize the Department to contract with
28 counties for boating safety administration and enforcement and to continue both the allocation for regional
29 boating facilities and the Boating Advisory Council for an additional 7 years.
30

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

2

3 **NEW SECTION. Section 1. Funding of state recreational boating safety program -- certification of**
4 **county programs -- administration by counties.** (1) The department may in its discretion use available state
5 funds and federal matching funds to contract with counties to implement designated parts of the state
6 recreational boating safety program. If a county accepts a grant, the county shall agree to implement a
7 program that is certified by the department as fulfilling the requirements of the state recreational boating
8 safety program.

9 (2) A county may designate any amount of boat fees in lieu of tax, unless otherwise allocated by
10 23-2-518(2), or other funds for collection by the department for the recreational boating safety program.
11 This money must be used by the department for contracts with counties for the recreational boating safety
12 program.

13

14 **Section 2.** Section 23-2-518, MCA, is amended to read:

15 **"23-2-518. (Temporary) Disposition of fees in lieu of tax.** (1) Except for fees allocated under
16 subsection (2), the county treasurer shall distribute all fees in lieu of tax collected on motorboats 10 feet
17 in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized
18 rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 in the relative proportions
19 required by the levies for state, county, school district, and municipal purposes in the same manner as
20 personal property taxes are distributed.

21 (2) The county treasurer shall allocate ~~25%~~ 20% of all fees in lieu of tax collected under this
22 section to the motorboat account in the state special revenue fund for use by the department as provided
23 in 23-2-533. (Terminates July 1, ~~1995~~ 2002—~~sec. 6, Ch. 511, L. 1993.~~)

24 **23-2-518. (Effective July 1, ~~1995~~ 2002) Disposition of fees in lieu of tax.** The county treasurer
25 shall distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet
26 in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons
27 pursuant to 23-2-516 and 23-2-517 in the relative proportions required by the levies for state, county,
28 school district, and municipal purposes in the same manner as personal property taxes are distributed."

29

30 **Section 3.** Section 23-2-519, MCA, is amended to read:

1 **"23-2-519. Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in
 2 23-2-517 is a misdemeanor, punishable by a fine equal to ~~five~~ four times the fee in lieu of tax that is due
 3 on the motorboat, sailboat, personal watercraft, motorized canoe, motorized rubber raft, or motorized
 4 pontoon for the current year of registration.

5 (2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

6 (a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft,
 7 motorized canoe, motorized rubber raft, or motorized pontoon is issued a certification number; and

8 (b) 50% to the motorboat account of the state special revenue fund for use by the department in
 9 the enforcement of this part."

10

11 **Section 4.** Section 23-2-533, MCA, is amended to read:

12 **"23-2-533. (Temporary) Use of percentage of boat fees for boat facilities -- designation of fees for**
 13 **regional use.** (1) At the time the fee in lieu of tax imposed under 23-2-516 is collected, the payor shall
 14 designate the fish, wildlife, and parks administrative region in which the majority of the payor's boating
 15 activities take place. Upon receipt of the fee in the motorboat account in the state special revenue fund,
 16 the department shall earmark the fee for use in the designated region.

17 (2) All fees designated to the motorboat account by 23-2-518(2) must be used by the department
 18 to improve regional boating facilities under the control of the department and, in conjunction with other
 19 funds in the motorboat account, to cover costs associated with the boating advisory council created in
 20 23-2-536. The department may use the fees to match available federal funds to the extent possible.
 21 Expenditure of fees must be made after consideration of recommendations by the boating advisory council.
 22 (Terminates July 1, ~~1995~~ 2002 ~~see. 6, Ch. 511, L. 1993.~~) "

23

24 **Section 5.** Section 23-2-536, MCA, is amended to read:

25 **"23-2-536. (Temporary) Creation of boating advisory council -- appointment of members -- duties.**

26 (1) The department director appointed under 2-15-3401 shall appoint a boating advisory council to advise
 27 the department on the expenditure of funds ~~made available under 23-2-518(2)~~ in the motorboat account
 28 in the state special revenue fund.

29 (2) The boating advisory council must be composed of at least five members of the public, each
 30 of whom must be interested in boating activities and the use of public boating facilities.

1 (3) The boating advisory council is attached to the department in an advisory capacity only, as
2 defined in 2-15-102(8).

3 (4) All costs associated with the boating advisory council must be paid from the ~~fees collected~~
4 ~~under 23-2-518(2) motorboat account in the state special revenue fund~~. Council members are not entitled
5 to compensation or travel expenses as provided in 2-15-122. (Terminates July 1, ~~1995~~ 2002 ~~see 6, Ch.~~
6 ~~511, L. 1993.~~) "

7

8 **Section 6.** Section 23-1-116, MCA, is amended to read:

9 "**23-1-116. Primitive parks established.** Because of their unique and primarily undeveloped
10 character, the following state parks and management areas are designated as primitive parks and are
11 subject to the provisions of 23-1-115 through 23-1-118:

12 (1) ~~Lambeth (Lake Mary Ronan) Greycliff Prairie Dog Town state park~~ BIG PINE MANAGEMENT
13 AREA;

14 (2) Thompson Falls state park;

15 (3) Wild Horse Island state park;

16 (4) Lost Creek state park;

17 (5) Painted Rocks state park;

18 (6) Ackley Lake state park;

19 (7) sluice boxes state park;

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21 (9) Pirogue Island state park;

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24 (12) Council Grove state park;

25 (13) Beaverhead Rock state park;

26 (14) Natural Bridge state park; and

27 (15) Madison Buffalo Jump state park."

28

29 NEW SECTION. **Section 7. Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to

1 [section 1].

2

3 NEW SECTION. **Section 8. Effective date.** [This act] is effective June 30, 1995.

4

5 **Section 9.** Section 6, Chapter 511, Laws of 1993, is amended to read:

6 "Section 6. **Termination.** [This act] terminates June 30, ~~1995~~ 2002."

7

8 NEW SECTION. **Section 10. Termination.** [Sections 1 and 3] terminate June 30, 2002.

9

-END-

1 HOUSE BILL NO. 600
2 INTRODUCED BY SLITER
3 BY REQUEST OF THE HOUSE FISH AND GAME COMMITTEE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY FOR FUNDING THE STATE'S
6 RECREATIONAL BOATING SAFETY PROGRAM BY ALLOWING THE DEPARTMENT OF FISH, WILDLIFE,
7 AND PARKS TO CONTRACT WITH COUNTIES TO IMPLEMENT PARTS OF THE PROGRAM; REDUCING
8 FROM 25 PERCENT TO 20 PERCENT THE AMOUNT OF THE BOAT FEE IN LIEU OF TAX THAT MAY BE
9 USED FOR IMPROVING REGIONAL BOATING FACILITIES AND ALLOCATING THAT AMOUNT FOR AN
10 ADDITIONAL 7 YEARS; DELAYING TERMINATION OF THE BOATING ADVISORY COUNCIL FOR 7 YEARS;
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17 23-2-518, 23-2-519, 23-2-533, AND 23-2-536, MCA, AND SECTION 6, CHAPTER 511, LAWS OF 1993;
18 AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

THERE ARE NO CHANGES IN THIS BILL AND IT WILL
NOT BE REPRINTED. PLEASE REFER TO SECOND
READING COPY (YELLOW) FOR COMPLETE TEXT.

1 HOUSE BILL NO. 600

2 INTRODUCED BY SLITER

3 BY REQUEST OF THE HOUSE FISH AND GAME COMMITTEE

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FLEXIBILITY FOR FUNDING THE STATE'S
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17 23-2-518, 23-2-519, 23-2-533, AND 23-2-536, MCA, AND SECTION 6, CHAPTER 511, LAWS OF 1993;
18 AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

19

20 WHEREAS, the state's recreational boating safety program would be substantially strengthened if
21 the Department of Fish, Wildlife, and Parks could delegate part of the administration and enforcement to
22 counties; and

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24 motorboat account to improve regional boating facilities under the control of the Department of Fish,
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26 Department on the expenditure of those funds; and

27 WHEREAS, the 1995 Legislature finds it appropriate to authorize the Department to contract with
28 counties for boating safety administration and enforcement and to continue both the allocation for regional
29 boating facilities and the Boating Advisory Council for an additional 7 years.

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3 **NEW SECTION. Section 1. Funding of state recreational boating safety program -- certification of**
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6 recreational boating safety program. If a county accepts a grant, the county shall agree to implement a
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10 23-2-518(2), or other funds for collection by the department for the recreational boating safety program.
11 This money must be used by the department for contracts with counties for the recreational boating safety
12 program.

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14 **Section 2.** Section 23-2-518, MCA, is amended to read:

15 **"23-2-518. (Temporary) Disposition of fees in lieu of tax.** (1) Except for fees allocated under
16 subsection (2), the county treasurer shall distribute all fees in lieu of tax collected on motorboats 10 feet
17 in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized
18 rubber rafts, and motorized pontoons pursuant to 23-2-516 and 23-2-517 in the relative proportions
19 required by the levies for state, county, school district, and municipal purposes in the same manner as
20 personal property taxes are distributed.

21 (2) The county treasurer shall allocate ~~25%~~ 20% of all fees in lieu of tax collected under this
22 section to the motorboat account in the state special revenue fund for use by the department as provided
23 in 23-2-533. (Terminates July 1, ~~1995~~ 2002 ~~see 6, Ch. 511, L. 1993.~~)

24 **23-2-518. (Effective July 1, ~~1995~~ 2002) Disposition of fees in lieu of tax.** The county treasurer
25 shall distribute all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet
26 in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons
27 pursuant to 23-2-516 and 23-2-517 in the relative proportions required by the levies for state, county,
28 school district, and municipal purposes in the same manner as personal property taxes are distributed."

29

30 **Section 3.** Section 23-2-519, MCA, is amended to read:

1 **"23-2-519. Penalty -- disposition.** (1) Failure to pay the fee in lieu of tax as provided for in
2 23-2-517 is a misdemeanor, punishable by a fine equal to ~~five~~ four times the fee in lieu of tax that is due
3 on the motorboat, sailboat, personal watercraft, motorized canoe, motorized rubber raft, or motorized
4 pontoon for the current year of registration.

5 (2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

6 (a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft,
7 motorized canoe, motorized rubber raft, or motorized pontoon is issued a certification number; and

8 (b) 50% to the motorboat account of the state special revenue fund for use by the department in
9 the enforcement of this part."

10
11 **Section 4.** Section 23-2-533, MCA, is amended to read:

12 **"23-2-533. (Temporary) Use of percentage of boat fees for boat facilities -- designation of fees for**
13 **regional use.** (1) At the time the fee in lieu of tax imposed under 23-2-516 is collected, the payor shall
14 designate the fish, wildlife, and parks administrative region in which the majority of the payor's boating
15 activities take place. Upon receipt of the fee in the motorboat account in the state special revenue fund,
16 the department shall earmark the fee for use in the designated region.

17 (2) All fees designated to the motorboat account by 23-2-518(2) must be used by the department
18 to improve regional boating facilities under the control of the department and, in conjunction with other
19 funds in the motorboat account, to cover costs associated with the boating advisory council created in
20 23-2-536. The department may use the fees to match available federal funds to the extent possible.
21 Expenditure of fees must be made after consideration of recommendations by the boating advisory council.
22 (Terminates July 1, ~~1996~~ 2002 ~~see 6, Ch. 511, L. 1993.~~) "

23
24 **Section 5.** Section 23-2-536, MCA, is amended to read:

25 **"23-2-536. (Temporary) Creation of boating advisory council -- appointment of members -- duties.**

26 (1) The department director appointed under 2-15-3401 shall appoint a boating advisory council to advise
27 the department on the expenditure of funds ~~made available under 23-2-518(2)~~ in the motorboat account
28 in the state special revenue fund.

29 (2) The boating advisory council must be composed of at least five members of the public, each
30 of whom must be interested in boating activities and the use of public boating facilities.

1 (3) The boating advisory council is attached to the department in an advisory capacity only, as
2 defined in 2-15-102(8).

3 (4) All costs associated with the boating advisory council must be paid from the ~~fees collected~~
4 ~~under 23-2-518(2)~~ motorboat account in the state special revenue fund. Council members are not entitled
5 to compensation or travel expenses as provided in 2-15-122. (Terminates July 1, ~~1995~~ 2002 ~~see 6, Ch.~~
6 ~~511, L. 1993.~~) "

7.

8 **Section 6.** Section 23-1-116, MCA, is amended to read:

9 "23-1-116. **Primitive parks established.** Because of their unique and primarily undeveloped
10 character, the following state parks and management areas are designated as primitive parks and are
11 subject to the provisions of 23-1-115 through 23-1-118:

12 (1) ~~Lambeth (Lake Mary Ronan) Greycliff Prairie Dog Town state park~~ BIG PINE MANAGEMENT
13 AREA;

- 14 (2) Thompson Falls state park;
15 (3) Wild Horse Island state park;
16 (4) Lost Creek state park;
17 (5) Painted Rocks state park;
18 (6) Ackley Lake state park;
19 (7) sluice boxes state park;
20 (8) Deadman's basin state park;
21 (9) Pirogue Island state park;
22 (10) Medicine Rocks state park;
23 (11) Headwaters state park;
24 (12) Council Grove state park;
25 (13) Beaverhead Rock state park;
26 (14) Natural Bridge state park; and
27 (15) Madison Buffalo Jump state park."

28

29 **NEW SECTION.** Section 7. **Codification instruction.** [Section 1] is intended to be codified as an
30 integral part of Title 23, chapter 2, part 5, and the provisions of Title 23, chapter 2, part 5, apply to

1 [section 1].

2

3 NEW SECTION. **Section 8. Effective date.** [This act] is effective June 30, 1995.

4

5 **Section 9.** Section 6, Chapter 511, Laws of 1993, is amended to read:

6 "Section 6. **Termination.** [This act] terminates June 30, ~~1995~~ 2002."

7

8 NEW SECTION. **Section 10. Termination.** [Sections 1 and 3] terminate June 30, 2002.

9

-END-