

SENATE BILL NO. 214

INTRODUCED BY

*Bill Wilson*

*MEMBER SENATE BOB BROWN*

*HARP BILL*

*Boating*

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING PERMANENT THE ALLOCATION OF A PERCENTAGE OF THE BOAT FEE IN LIEU OF TAX USED FOR IMPROVING REGIONAL BOATING FACILITIES; MAKING PERMANENT THE BOATING ADVISORY COUNCIL; 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; AMENDING SECTIONS 23-2-533 AND 23-2-536, MCA; REPEALING SECTION 6, CHAPTER 511, LAWS OF 1993; AND PROVIDING AN EFFECTIVE DATE."

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 five public members, to advise the Department on the expenditure of those funds; and

WHEREAS, the 1995 Legislature finds it appropriate to continue both the allocation and the Boating Advisory Council on a permanent basis.

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

Section 1. Section 23-2-533, MCA, is amended to read:

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

(2) All fees designated to the motorboat account by 23-2-518(2) must be used by the department to improve regional boating facilities under the control of the department and, in conjunction with other funds in the motorboat account, to cover costs associated with the boating advisory council created in 23-2-536. The department may use the fees to match available federal funds to the extent possible.

1 Expenditure of fees must be made after consideration of recommendations by the boating advisory council.  
 2 ~~(Terminates July 1, 1995 sec. 6, Ch. 511, L. 1993.) "~~

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

5 **"23-2-536. ~~(Temporary)~~ Creation of boating advisory council -- appointment of members -- duties.**

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

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

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

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

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18 **NEW SECTION. Section 3. Repealer.** Section 6, Chapter 511, Laws of 1993, is repealed.

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20 **NEW SECTION. Section 4. Effective date.** [This act] is effective June 30, 1995.

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-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0214, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act making permanent the allocation of a percentage of the boat fee in lieu of tax used for improving regional boating facilities; making permanent the boating advisory council; allowing the boating advisory council to advise the Department Fish, Wildlife and Parks (FWP) on the expenditure of all funds in the motorboat account and to be reimbursed for costs from the motorboat account.

ASSUMPTIONS:

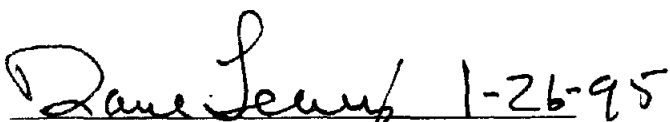
1. This legislation makes permanent the actions of the 1993 Legislature that temporarily allocated 25% of the boat fee in lieu of tax to the motorboat account for regional boating facilities improvements and to cover the costs associated with the five member Boating Advisory Council.
2. At the time the fee in lieu of tax is collected, the payor will designate the FWP region where a majority of his/her boating activities take place. Upon receipt of the funds, FWP will earmark the fee for use in the designated area.
3. The number of boat fees in lieu of tax paid in FY94 will be the same in FY96 and FY97. Revenues received for FY96 and FY97 by FWP will equal that received in FY94, \$160,089.
4. Revenues will be fully expended in the fiscal year received for boating facility improvements and Boating Advisory Council costs.
5. The Executive Budget present law base did not include these expenditures or revenues because prior legislative action was temporary.

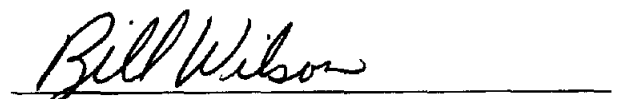
FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Boating Facilities/Advisory Council	160,089	160,089
<u>Funding:</u>		
State State Special (02)	160,089	160,089
<u>Revenue:</u>		
Motorboat Account (02)	160,089	160,089
<u>Net Impact:</u>	0	0

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Twenty five percent of all fees in lieu of tax collected would be allocated to the Department of Fish, Wildlife and Parks motorboat account, and would not be distributed to the state, county, school district, or municipalities.

  
 DAVE LEWIS, BUDGET DIRECTOR      DATE  
 Office of Budget and Program Planning

  
 WILLIAM WILSON, PRIMARY SPONSOR      DATE  
 Fiscal Note for SB0214, as introduced