

SENATE BILL NO. 321

INTRODUCED BY

Wagner *Grundy* *Beck* *Ball* *Pipinich*
Jones *Quinn* *Roy* *HARP* *Benefield* *Treat* *ORR*
Marcus *GRINDE* *Jesse* *Smith* *Bob* *Brown* *Mark* *Winters*
Head *H. Seem* *Mercurio* *Ver* *Wick* *Johnson* *Jash*
Feland *Stark* *Bell* *Wilson* *Case* *Ahner* *Hoff* *Falung*
Spague *Gen* *Harding*

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) ~~23/64~~ 15/28 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

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

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

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

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

13 (5)(a) Money credited to the snowmobile account may be used only to develop and maintain
14 facilities open to the general public at no admission cost ~~and~~, to promote snowmobile safety, for
15 enforcement purposes, and for the control of noxious weeds. ~~and~~

16 (b) Of the amounts deposited in the snowmobile account:

17 (i) 10% 13% of the amount deposited in the snowmobile account must be used by the department
18 of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws.
19 Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third
20 of the 13% deposited must be used for the enforcement of snowmobile laws.

21 (ii) 1% of the amount deposited must be credited to the Montana noxious weed control trust fund.

22 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion
23 engines, not less than ~~23/64~~ 15/28 of 1% is used for propelling snowmobiles ~~on public lands of~~ in this
24 state.

25 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only
26 to develop and maintain facilities open to the general public at no admission cost, to repair areas that are
27 damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money
28 deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to
29 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are
30 damaged by off-highway vehicles.

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

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

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1995.

9

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0321, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the percentage of distributor's gasoline license tax creditable to the snowmobile account; clarifying percentages of the account that must be used for enforcement and weed control purposes; and providing an effective date.

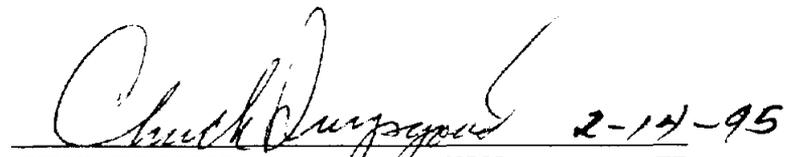
ASSUMPTIONS:

1. The fiscal impact is based on the current tax rate for gasoline, and the Revenue Oversight Committee's estimated number of taxable gallons of gasoline to be sold in FY96 and FY97.
2. Distributions are adjusted for gasoline tax refunds, tribal refunds, and before alcohol incentive payments.
3. Revenues received by the Department of Fish, Wildlife and Parks (FWP) will be allocated in accordance with the legislation.
4. The increased revenues to FWP will be offset by a decrease in the highway special revenue account at the Department of Transportation (DOT).

FISCAL IMPACT:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
<u>Revenue:</u>		
DOT - highways (02)	(198,437)	(220,295)
FWP - snowmobile (02)	198,437	220,295
Total	0	0


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


CHUCK SWYSGOOD, PRIMARY SPONSOR DATE

Fiscal Note for SB0321, as introduced

SB 321

SENATE BILL NO. 321

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PERCENTAGE OF DISTRIBUTOR'S GASOLINE LICENSE TAX CREDITABLE TO THE SNOWMOBILE ACCOUNT; CLARIFYING PERCENTAGES OF THE ACCOUNT THAT MUST BE USED FOR ENFORCEMENT AND WEED CONTROL PURPOSES; 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) ~~23/64~~ 15/28 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

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

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

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

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

13 (5)(a) Money credited to the snowmobile account may be used only to develop and maintain
14 facilities open to the general public at no admission cost ~~and~~, to promote snowmobile safety, for
15 enforcement purposes, and for the control of noxious weeds. ~~and~~

16 (b) Of the amounts deposited in the snowmobile account:

17 (i) 10% 13% of the amount deposited in the snowmobile account must be used by the department
18 of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws.
19 Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third
20 of the 13% deposited must be used for the enforcement of snowmobile laws.

21 (ii) 1% of the amount deposited must be credited to the Montana noxious weed control trust fund.

22 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion
23 engines, not less than ~~23/64~~ 15/28 of 1% is used for propelling snowmobiles ~~on public lands of~~ in this
24 state.

25 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only
26 to develop and maintain facilities open to the general public at no admission cost, to repair areas that are
27 damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money
28 deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to
29 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are
30 damaged by off-highway vehicles.

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

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

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1995.

9

-END-

SENATE BILL NO. 321

INTRODUCED BY

Wagner, Davis, Dwyer, Roney, Harp, Benefield, Trout, Kelly, Mercer, Grinde, Susan, Miller, Bob, Perry, Gary, in, Brunson, Hunt, H. Sen, Menahan, V., Veltrop, Johnson, Tash, Feland, Stink, Bell, Wilson, Dapp, Ahner, Hef, Fatur, Sprague, Gentis, Harding

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) ~~23/64~~ 15/28 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



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

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

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

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

13 (5)(a) Money credited to the snowmobile account may be used only to develop and maintain
14 facilities open to the general public at no admission cost ~~and~~, to promote snowmobile safety, for
15 enforcement purposes, and for the control of noxious weeds, and

16 (b) Of the amounts deposited in the snowmobile account:

17 (i) ~~40%~~ 13% of the amount deposited in the snowmobile account must be used by the department
18 of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws.
19 Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third
20 of the 13% deposited must be used for the enforcement of snowmobile laws.

21 (ii) 1% of the amount deposited must be credited to the Montana noxious weed control trust fund.

22 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion
23 engines, not less than ~~23/64~~ 15/28 of 1% is used for propelling snowmobiles ~~on public lands of~~ in this
24 state.

25 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only
26 to develop and maintain facilities open to the general public at no admission cost, to repair areas that are
27 damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money
28 deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to
29 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are
30 damaged by off-highway vehicles.

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

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

7

8 NEW SECTION. **Section 2. Effective date.** [This act] is effective July 1, 1995.

9

-END-



HOUSE STANDING COMMITTEE REPORT

March 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Highways and Transportation report that Senate Bill 321 (third reading copy -- blue) be concurred in as amended.

Signed: Shiell W. Anderson
Shiell Anderson, Chair

And, that such amendments read:

Carried by: Rep. Grady

1. Page 2, line 23.
Following: "propelling"
Insert: "registered"

-END-

Committee Vote:
Yes 14, No 4.

SB321
HOUSE
651521SC.HDH

1 SENATE BILL NO. 321

2 INTRODUCED BY SWYSGOOD, GRADY, BECK, HARGROVE, ORR, PIPINICH, BAER, WAGNER,
 3 LARSON, SIMON, SQUIRES, ROSE, HARP, BENEDICT, TVEIT, HALLIGAN, MERCER, GRINDE, BROWN,
 4 STANG, DEBRUYCKER, S. SMITH, FELAND, WENNEMAR, MENAHAN, VAN VALKENBURG, TASH,
 5 VICK, WILSON, GAGE, AHNER, KEATING, J. JOHNSON, SPRAGUE, JENKINS, HARDING, HIBBARD

6
 7 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PERCENTAGE OF DISTRIBUTOR'S GASOLINE
 8 LICENSE TAX CREDITABLE TO THE SNOWMOBILE ACCOUNT; CLARIFYING PERCENTAGES OF THE
 9 ACCOUNT THAT MUST BE USED FOR ENFORCEMENT AND WEED CONTROL PURPOSES; AMENDING
 10 SECTION 60-3-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

13
 14 **Section 1.** Section 60-3-201, MCA, is amended to read:

15 **"60-3-201. Distribution and use of proceeds of gasoline dealers' license tax.** (1) All money received
 16 in payment of license taxes under the Distributor's Gasoline License Tax Act, except those amounts paid
 17 out of the department of transportation's suspense account for gasoline tax refund, must be used and
 18 expended as provided in this section. The portion of that money on hand at any time that is needed to pay
 19 highway bonds and interest on highway bonds when due and to accumulate and maintain a reserve for
 20 payment of highway bonds and interest, as provided in laws and in resolutions of the state board of
 21 examiners authorizing the bonds, must be deposited in the highway bond account in the debt service fund
 22 established by 17-2-102. Subject to that provision:

23 (a) 9/10 of 1% of all money must be deposited in the state park account;

24 (b) ~~23/64~~ 15/28 of 1% of all money must be deposited in a snowmobile account in the state
 25 special revenue fund;

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

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

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

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

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

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

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

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

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

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

17 (5)(a) Money credited to the snowmobile account may be used only to develop and maintain
18 facilities open to the general public at no admission cost ~~and~~ to promote snowmobile safety, for
19 enforcement purposes, and for the control of noxious weeds. ~~and~~

20 (b) Of the amounts deposited in the snowmobile account:

21 (i) ~~40% 13%~~ 13% of the amount deposited in the snowmobile account must be used by the department
22 of fish, wildlife, and parks to promote snowmobile safety and education and to enforce snowmobile laws.
23 Two-thirds of the 13% deposited must be used to promote snowmobile safety and education and one-third
24 of the 13% deposited must be used for the enforcement of snowmobile laws.

25 (ii) 1% of the amount deposited must be credited to the Montana noxious weed control trust fund.

26 (c) The legislature finds that of all fuels sold in this state for consumption in internal combustion
27 engines, not less than ~~23/64~~ 15/28 of 1% is used for propelling REGISTERED snowmobiles ~~on public lands~~
28 ~~and~~ in this state.

29 (6) (a) Money credited to the off-highway vehicle account under subsection (1)(c) may be used only
30 to develop and maintain facilities open to the general public at no admission cost, to repair areas that are

1 damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the money
2 deposited in the off-highway vehicle account must be used to promote off-highway vehicle safety. Up to
3 10% of the money deposited in the off-highway vehicle account may be used to repair areas that are
4 damaged by off-highway vehicles.

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

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

11

12 **NEW SECTION. Section 2. Effective date.** [This act] is effective July 1, 1995.

13

-END-