

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ALLOCATION AND USES OF LODGING FACILITY  
5 USE TAXES; PROVIDING FUNDING FOR COUNTY AND MUNICIPAL ROADS AND INFRASTRUCTURE;  
6 PROVIDING A FORMULA FOR THE DISTRIBUTION OF FUNDS TO LOCAL GOVERNMENTS; PROVIDING  
7 A STATUTORY APPROPRIATION; AMENDING SECTIONS 15-65-121 AND 17-7-502, MCA; AND  
8 PROVIDING AN EFFECTIVE DATE."

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

12        **NEW SECTION. Section 1. County roads and infrastructure state special revenue account. (1)**

13        There is a county roads and infrastructure account in the state special revenue fund established in 17-2-102. All

14        funds received pursuant to 15-65-121 must be deposited in the account.

15 (2) Money deposited in the account is statutorily appropriated pursuant to 17-7-502 to the  
16 department of transportation for annual distribution to counties and consolidated city-county governments in the  
17 state for the construction, reconstruction, maintenance, and repair of county roads and other county  
18 infrastructure and marketing projects.

19 (3) Funds must be distributed to all counties and consolidated city-counties in the state in the ratio  
20 that the county or consolidated city-county collected the tax imposed by 15-65-111 in the immediately  
21 preceding fiscal year; however, no county or consolidated city-county may receive:

22 (a) no less than 0.5% of the total amount of funds deposited in the account; and

23 (b) no more than 8% of the total amount of funds deposited in the account

**25 NEW SECTION. Section 2. Municipal roads and infrastructure state special revenue account.**

26 (1) There is a municipal roads and infrastructure account in the state special revenue fund established in 17-2-  
27 102. All funds received pursuant to 15-65-121 must be deposited in the account.

28 (2) Money deposited in the account is statutorily appropriated pursuant to 17-7-502 to the

1 department of transportation for annual distribution to all cities and towns in the state for the construction,  
2 reconstruction, maintenance, and repair of roads and other local infrastructure and marketing projects.

3 (3) (a) Funds must be distributed to all cities and towns in the state based on population.

4 (b) For the purposes of calculating the amounts to be distributed to any town with a population of  
5 less than 200, a town is considered to have a population of 200.

6 (c) No city or town may receive more than 8% of the total amount of funds deposited in the  
7 account.

8

9 **Section 3.** Section 15-65-121, MCA, is amended to read:

10 **"15-65-121. (Temporary) Distribution of tax proceeds.** (1) The proceeds of the tax imposed by 15-  
11 65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the state special  
12 revenue fund to the credit of the department. The department may spend from that account in accordance with  
13 an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing  
14 the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of  
15 17-2-124 and as provided in subsections (2)(a) through (2)(j) (2)(k) of this section, the department shall  
16 determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of  
17 that amount from the tax proceeds received each reporting period. The department shall distribute the portion  
18 of the 4% that was paid with federal funds to the department of administration for return to the federal  
19 government and deposit 30% of the amount deducted less the portion paid with federal funds in the state  
20 general fund.

21 (2) The balance of the tax proceeds received each reporting period and not deducted pursuant to  
22 the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with  
23 federal funds, or deposited in the heritage preservation and development account must be transferred to an  
24 account in the state special revenue fund to the credit of the department of commerce for the purposes  
25 designated under 90-1-122, to the emergency lodging for victims of domestic violence or human trafficking  
26 account, to the Montana historical interpretation state special revenue account, to the Montana historical  
27 society, to the university system, to the state-tribal economic development commission, and to the department  
28 of fish, wildlife, and parks, as follows:

3 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel  
4 research program;

5 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks  
6 that have both resident and nonresident use;

7 (d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

8 (e) 60.2% \$22.4 million to be used directly by the department of commerce as provided in 90-1-  
9 122[, and in part to renovate the Miles City train depot];

10 (f) 0.1% to the emergency lodging for victims of domestic violence or human trafficking account  
11 established in 44-4-1506;

12 (g) (i) (ii) except as provided in subsection (2)(g)(ii), 22.5% \$8.3 million except as provided in

13 subsection (2)(g)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the  
14 ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and and

15 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,  
16 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional  
17 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area  
18 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-  
19 county, resort area, or resort area district;

20 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,  
21 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional  
22 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area  
23 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-  
24 county, resort area, or resort area district;

25 (h) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal  
26 economic development commission established in 90-1-131 for activities in the Indian tourism region;

27 (i) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-  
28 115; and

1 (j) 2.7% or \$1 million, whichever is less, to the Montana heritage preservation and development  
2 account provided for in 22-3-1004. The Montana heritage preservation and development commission shall  
3 report on the use of funds received pursuant to this subsection (2)(j) to the legislative finance committee on a  
4 semiannual basis, in accordance with 5-11-210-.

5 (k) the remainder is to be transferred in equal amounts to:

6 (i) the county roads and infrastructure state special revenue account provided for in [section 1];

7 and

8 (ii) the municipal roads and infrastructure state special revenue account provided for in [section 2];

9 and

(I) the ~~amounts in subsection (2)(e) and (2)(g) are~~ is increased by one-half of the average rate of inflation for the prior 3 years each biennium.

17 (4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual  
18 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism  
19 corporation may be used by the department of commerce for tourism promotion and promotion of the state as a  
20 location for the production of motion pictures and television commercials.

21 (5) The tax proceeds received that are transferred to a state special revenue account pursuant to  
22 subsections (2)(a) through (2)(c), (2)(e), and (2)(g) are statutorily appropriated to the entities as provided in 17-  
23 7-502. The tax proceeds received that are transferred to the emergency lodging for victims of domestic violence  
24 or human trafficking account pursuant to subsection (2)(f) are subject to the appropriation provisions in 44-4-  
25 1506.

26 (6) The tax proceeds received that are transferred to the invasive species state special revenue  
27 account pursuant to subsection (2)(d), to the Montana historical interpretation state special revenue account  
28 pursuant to subsection (2)(i), and to the Montana heritage preservation and development account pursuant to

1 subsection (2)(j) are subject to appropriation by the legislature. (Terminates June 30, 2027--sec. 12, Ch. 563, L.  
2 2021; sec. 10, Ch. 758, L. 2023; bracketed language in subsection (1)(e) terminates June 30, 2025--sec. 34,  
3 Ch. 763, L. 2023.)

4 **15-65-121. (Effective July 1, 2027) Distribution of tax proceeds.** (1) The proceeds of the tax  
5 imposed by 15-65-111 must, in accordance with the provisions of 17-2-124, be deposited in an account in the  
6 state special revenue fund to the credit of the department. The department may spend from that account in  
7 accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting  
8 and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with  
9 the provisions of 17-2-124 and as provided in subsections (2)(a) through (2)(h) ~~(2)(i) (2)(h)~~ of this section, the  
10 department shall determine the expenditures by state agencies for in-state lodging for each reporting period  
11 and deduct 4% of that amount from the tax proceeds received each reporting period. The department shall  
12 distribute the portion of the 4% that was paid with federal funds to the department of administration for return to  
13 the federal government and deposit 30% of the amount deducted less the portion paid with federal funds in the  
14 state general fund. The amount of \$400,000 each year must be deposited in the Montana heritage preservation  
15 and development account provided for in 22-3-1004.

16 (2) The balance of the tax proceeds received each reporting period and not deducted pursuant to  
17 the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with  
18 federal funds, or deposited in the heritage preservation and development account must be transferred to an  
19 account in the state special revenue fund to the credit of the department of commerce for the purposes  
20 designated under 90-1-122, to the Montana historical interpretation state special revenue account, to the  
21 Montana historical society, to the university system, to the state-tribal economic development commission, and  
22 to the department of fish, wildlife, and parks, as follows:

23 (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside  
24 historical signs and historic sites;

25 (b) 2.5% to the university system for the establishment and maintenance of a Montana travel  
26 research program;

27 (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks  
28 that have both resident and nonresident use;

1 (d) 1.4% to the invasive species state special revenue account established in 80-7-1004;

2 (e) 63% \$22.4 million to be used directly by the department of commerce as provided in 90-1-122;

3 (f) (i) (i) except as provided in subsection (2)(f)(ii), 22.5% \$8.3 million except as provided in

4 subsection (2)(f)(ii), to be distributed by the department to regional nonprofit tourism corporations in the ratio of

5 the proceeds collected in each tourism region to the total proceeds collected statewide; and

6 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,

7 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional

8 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area

9 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-

10 county, resort area, or resort area district;

11 (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county,

12 resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional

13 nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area

14 district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-

15 county, resort area, or resort area district;

16 (g) 0.5% to the state special revenue account provided for in 90-1-135 for use by the state-tribal

17 economic development commission established in 90-1-131 for activities in the Indian tourism region; and

18 (h) 2.6% to the Montana historical interpretation state special revenue account established in 22-3-

19 115-1:

20 (i) the remainder is to be transferred in equal amounts to:

21 (i) the county roads and infrastructure state special revenue account provided for in [section 1];

22 and

23 (ii) the municipal roads and infrastructure state special revenue account provided for in [section 2];

24 and

25 (j) the amounts in subsections (2)(e) and (2)(f) are increased by one-half

26 of the average rate of inflation for the prior 3 years each biennium.

27 (3) If a city, consolidated city-county, resort area, or resort area district qualifies under 15-68-

28 820(5)(b)(iii) or this section for funds but fails to either recognize a nonprofit convention and visitors bureau or

1 submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be  
2 allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county,  
3 resort area, or resort area district is located.

4 (4) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual  
5 marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism  
6 corporation may be used by the department of commerce for tourism promotion and promotion of the state as a  
7 location for the production of motion pictures and television commercials.

8 (5) The tax proceeds received that are transferred to a state special revenue account pursuant to  
9 subsections (2)(a) through (2)(c), (2)(e), and (2)(f) are statutorily appropriated to the entities as provided in 17-  
10 7-502.

11 (6) The tax proceeds received that are transferred to the invasive species state special revenue  
12 account pursuant to subsection (2)(d) and to the Montana historical interpretation state special revenue account  
13 pursuant to subsection (2)(h) are subject to appropriation by the legislature."

14

15 **Section 4.** Section 17-7-502, MCA, is amended to read:

16 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
17 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without  
18 the need for a biennial legislative appropriation or budget amendment.

19 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with  
20 both of the following provisions:

21 (a) The law containing the statutory authority must be listed in subsection (3).

22 (b) The law or portion of the law making a statutory appropriation must specifically state that a  
23 statutory appropriation is made as provided in this section.

24 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-  
25 11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-  
26 807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121;  
27 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-  
28 117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; [section 1]; [section 2]; 15-70-433; 16-11-119;