

1 SENATE BILL NO. 553
2 INTRODUCED BY D. ZOLNIKOV
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATE POLICY LAWS; PROHIBITING
5 EXPIRATION DATES ON AIRLINE TRAVEL CREDITS; ASSOCIATING OWNERSHIP WITH THE
6 POSSESSOR OF THE TRAVEL CREDIT; LIMITING FEES; ALLOWING CASH REDEMPTION;
7 ESTABLISHING A FEE FOR AIRLINE TRAVEL TO AND FROM MONTANA; ESTABLISHING REPORTING
8 REQUIREMENTS; PROVIDING DEFINITIONS; PROVIDING FOR RESIDENTIAL DEVELOPMENT COST
9 SHARING; REVISING LAND AND CASH DONATION OPTIONS FOR PARK DEDICATIONS; PROVIDING
10 RULEMAKING AUTHORITY; AMENDING SECTION SECTIONS 30-14-102, AND 76-3-621, MCA; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14

15 NEW SECTION. **Section 1. Termination of travel credit prohibited -- fee limitation -- redemption**
16 **-- airline fee -- reporting requirement.** (1) A travel credit is valid until redemption and does not terminate. A
17 travel credit is considered trust property of the possessor if the issuer or seller of the travel credit declares
18 bankruptcy after issuing or selling the travel credit.

19 (2) The value represented by the travel credit belongs to the possessor and not to the issuer or
20 seller. An issuer or seller may redeem a travel credit presented by an individual whose name does not match
21 the name on the travel credit.

22 (3) A travel credit may not be reduced in value by any fee, including a dormancy fee applied if a
23 travel credit is not used.

24 (4) If the original value of the travel credit was more than \$5 and the remaining value is less than
25 \$5 and the possessor requests cash for the remainder, the issuer or seller shall redeem the travel credit for
26 cash.

27 (5) (a) A fee of \$1 must be added to any airline ticket purchased for travel to or from this state.

1 Revenue collected from the fee must be deposited in an account in the enterprise fund type to the credit of the
2 department of justice for the purposes of combating human trafficking.

3 (b) The department of justice shall report on spending from the fund, in accordance with 5-11-210,
4 at the third-quarter interim budget committee hearing in the even-numbered year of each biennium.

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6 **Section 2.** Section 30-14-102, MCA, is amended to read:

7 **"30-14-102. Definitions.** As used in this part, the following definitions apply:

8 (1) "Consumer" means a person who purchases or leases goods, services, real property, or
9 information primarily for personal, family, or household purposes.

10 (2) "Department" means the department of justice created in 2-15-2001.

11 (3) "Documentary material" means the original or a copy of any book, record, report,
12 memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other
13 tangible document or recording.

14 (4) "Examination" of documentary material includes the inspection, study, or copying of
15 documentary material and the taking of testimony under oath or acknowledgment in respect to any
16 documentary material or copy of documentary material.

17 (5) (a) "Gift certificate" means a record, including a gift card or stored value card, that is provided
18 for paid consideration and that indicates a promise by the issuer or seller of the record that goods or services
19 will be provided to the possessor of the record for the value that is shown on the record or contained within the
20 record by means of a microprocessor chip, magnetic stripe, bar code, or other electronic information storage
21 device. The consideration provided for the gift certificate must be made in advance. The value of the gift
22 certificate is reduced by the amount spent with each use. A gift certificate is considered trust property of the
23 possessor if the issuer or seller of the gift certificate declares bankruptcy after issuing or selling the gift
24 certificate. The value represented by the gift certificate belongs to the possessor, to the extent provided by law,
25 and not to the issuer or seller.

26 (b) The term does not include:

27 (i) prepaid telecommunications and technology cards, including but not limited to prepaid

1 telephone calling cards, prepaid technical support cards, and prepaid internet disks that have been distributed
2 to or purchased by a consumer;

3 (ii) a coupon provided to a consumer pursuant to any award, loyalty, or promotion program without
4 any money or consideration being given in exchange for the card; or

5 (iii) a gift certificate usable with multiple sellers of goods or services.

6 (6) "Person" means natural persons, corporations, trusts, partnerships, incorporated or
7 unincorporated associations, and any other legal entity.

8 (7) "Possessor" means a natural person who has physical control over a gift certificate or travel
9 credit.

10 (8) (a) "Trade" and "commerce" mean the advertising, offering for sale, sale, or distribution of any
11 services, any property, tangible or intangible, real, personal, or mixed, or any other article, commodity, or thing
12 of value, wherever located, and includes any trade or commerce directly or indirectly affecting the people of this
13 state.

14 (b) The terms include direct patient care agreements established pursuant to 50-4-107.

15 (9) "Travel credit" means a form of credit issued by an airline that can be used to purchase future
16 flights or other services offered by an airline."

17

18 **NEW SECTION. Section 3. Residential development infrastructure -- rulemaking.** (1) If a local
19 government requires a residential development subdivider to pay or guarantee payment for part or all of the
20 costs of extending or enhancing capital facilities pursuant to 76-3-510, the local government may enact a rule or
21 regulation that provides for an equal share of the costs associated with extending or enhancing those capital
22 facilities when a subsequent development also benefits from the expansion or enhancement of those capital
23 facilities.

24 (2) The department of transportation may establish rules that locally approved and platted
25 residential developments may be allocated a future cost share of present-day intersection or other
26 improvements to reduce the undue hardship and associated cost barriers for residential developments to move
27 forward. This analysis should also recognize normal increases in traffic impacts beyond that which is or can be

1 attributable to one or more developments.

2

3 **Section 4.** Section 76-3-621, MCA, is amended to read:

4 **"76-3-621. Park dedication requirement.** (1) Except as provided in 76-3-509 or subsections (2), (3),
5 and (6) through (9) of this section, a subdivider shall dedicate to the governing body a cash or land donation
6 equal to:

7 (a) 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;

8 (b) 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre
9 and not larger than 1 acre;

10 (c) 5% of the area of the land proposed to be subdivided into parcels larger than 1 acre and not
11 larger than 3 acres; and

12 (d) 2.5% of the area of the land proposed to be subdivided into parcels larger than 3 acres and not
13 larger than 5 acres.

14 (2) When a subdivision is located totally within an area for which density requirements have been
15 adopted pursuant to a growth policy under chapter 1 or pursuant to zoning regulations under chapter 2, the
16 governing body may establish park dedication requirements based on the community need for parks and the
17 development densities identified in the growth policy or regulations. Park dedication requirements established
18 under this subsection are in lieu of those provided in subsection (1) and may not exceed 0.03 acres per
19 dwelling unit.

20 (3) A park dedication may not be required for:

21 (a) land proposed for subdivision into parcels larger than 5 acres;

22 (b) subdivision into parcels that are all nonresidential;

23 (c) a subdivision in which parcels are not created, except when that subdivision provides
24 permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums;

25 (d) a subdivision in which only one additional parcel is created; or

26 (e) except as provided in subsection (8), a first minor subdivision from a tract of record as
27 described in 76-3-609(2).

(4) The If the subdivider does not choose a cash donation only, the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both a land and cash donation. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.

(5) (a) In accordance with the provisions of subsections (5)(b) and (5)(c), the governing body shall use the dedicated money or land for development, acquisition, or maintenance of parks to serve the subdivision.

(b) The governing body may use the dedicated money to acquire, develop, or maintain, within its jurisdiction, parks or recreational areas or for the purchase of public open space or conservation easements only if:

(i) the park, recreational area, open space, or conservation easement is within a reasonably close proximity to the proposed subdivision; and

(ii) the governing body has formally adopted a park plan that establishes the needs and procedures for use of the money.

(c) The governing body may not use more than 50% of the dedicated money for park maintenance.

(6) The local governing body shall waive the park dedication requirement if:

(a) (i) the preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and

(ii) the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (1);

(b) (i) the preliminary plat provides long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and

(ii) the area of the land proposed to be subdivided, by virtue of providing long-term protection

1 provided for in subsection (6)(b)(i), is reduced by an amount equal to or exceeding the area of the dedication
2 required under subsection (1);

3 (c) the area of the land proposed to be subdivided, by virtue of a combination of the provisions of
4 subsections (6)(a) and (6)(b), is reduced by an amount equal to or exceeding the area of the dedication
5 required under subsection (1); or

6 (d) (i) the subdivider provides for land outside of the subdivision to be set aside for park and
7 recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and
8 (ii) the area of the land and any improvements set aside for park and recreational uses equals or
9 exceeds the area of dedication required under subsection (1).

10 (7) The local governing body may waive the park dedication requirement if:

11 (a) the subdivider provides land outside the subdivision that affords long-term protection of critical
12 wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and
13 (b) the area of the land to be subject to long-term protection, as provided in subsection (7)(a),
14 equals or exceeds the area of the dedication required under subsection (1).

15 (8) (a) A local governing body may, at its discretion, require a park dedication for:

16 (i) a subsequent minor subdivision as described in 76-3-609(3); or
17 (ii) a first minor subdivision from a tract of record as described in 76-3-609(2) if:
18 (A) the subdivision plat indicates development of condominiums or other multifamily housing;
19 (B) zoning regulations permit condominiums or other multifamily housing; or
20 (C) any of the lots are located within the boundaries of a municipality.

21 (b) A local governing body that chooses to require a park dedication shall specify in regulations the
22 circumstances under which a park dedication will be required.

23 (9) Subject to the approval of the local governing body and acceptance by the school district
24 trustees, a subdivider may dedicate a land donation provided in subsection (1) to a school district, adequate to
25 be used for school facilities or buildings.

26 (10) For the purposes of this section:

27 (a) "cash donation" is the fair market value of the unsubdivided, unimproved land; and

(b) "dwelling unit" means a residential structure in which a person or persons reside.

(11) A land donation under this section may be inside or outside of the subdivision."

3

NEW SECTION. Section 5. Codification instruction. **(1)** [Section 1] is intended to be codified as an part of Title 30, chapter 14, part 1, and the provisions of Title 30, chapter 14, part 1, apply to [section 1].

(2) [Section 3] is intended to be codified as an integral part of Title 76, chapter 3, part 5, and the provisions of Title 76, chapter 3, part 5 apply to [section 3].

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NEW SECTION. Section 6. Saving clause. [This act] does not affect rights and duties that matured, or
actions that were incurred, or proceedings that were begun before [the effective date of this act].

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NEW SECTION. Section 7. Severability. If a part of [this act] is invalid, all valid parts that are
severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,
it remains in effect in all valid applications that are severable from the invalid applications.

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NEW SECTION. Section 8. Effective date. [This act] is effective on passage and approval.

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NEW SECTION. Section 9. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to travel credit issued on or after January 1, 2025.

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