

1 SENATE BILL NO. 522

2 INTRODUCED BY D. ZOLNIKOV

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE DISTRIBUTION OF REVENUE FROM THE

5 LODGING AND FACILITIES USE TAX TO PROVIDE GRANTS TO LODGING ESTABLISHMENTS THAT

6 PROVIDE VICTIMS OF DOMESTIC VIOLENCE OR HUMAN TRAFFICKING WITH SHORT-TERM LODGING;

7 CREATING AN EMERGENCY LODGING PROGRAM TO ASSIST VICTIMS OF DOMESTIC VIOLENCE OR

8 HUMAN TRAFFICKING THAT IS ADMINISTERED BY THE ~~DEPARTMENT OF PUBLIC HEALTH AND~~

9 ~~HUMAN SERVICES BOARD OF CRIME CONTROL~~; PROVIDING THAT A GRANT IS NOT SUBJECT TO

10 STATE ACCOMMODATION TAXES; CREATING A STATE SPECIAL REVENUE ACCOUNT; PROVIDING

11 DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-65-121, 15-68-101,

12 AND 90-1-135, MCA; AND PROVIDING AN EFFECTIVE DATE, ~~AND AN APPLICABILITY DATE,~~ AND A

13 TERMINATION DATE."

14

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

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17 NEW SECTION. Section 1. Emergency lodging program for victims of domestic violence or

18 human trafficking -- grants -- rulemaking -- definitions. (1) There is an emergency lodging program for

19 licensed establishments located in the state to assist designated ~~charitable~~ organizations in providing short-

20 term lodging in the state to individuals and families that are victims of domestic violence or human trafficking.

21 (2) (a) Subject to the provisions of this section, participating establishments may submit a grant

22 application to the ~~department board of crime control~~ for providing emergency lodging to an individual or family

23 who is in immediate need of shelter based on being a victim of domestic violence or human trafficking.

24 (b) In order to be eligible for the grant, the individual or family must be referred to the

25 establishment by a designated ~~charitable~~ organization.

26 (3) Grant funds for the program are provided from funding in the emergency lodging for victims of

27 domestic violence or human trafficking state special revenue account provided for in [section 2]. The grant:

28 (a) is equal to the lesser of the average daily rate or the state rate for each night lodging was

1 provided at no cost to the individual or the referring organization;

2 (b) is limited to a maximum of 5 nights' lodging for each individual or family for each calendar year;

3 (c) may be claimed only for lodging provided in the state; and

4 (d) is exempt from the lodging and facility use tax imposed by 15-65-111 or the sales tax and use
5 tax on accommodations imposed by 15-68-102.

6 (4) Participating establishments may offer lodging based on availability of rooms.

7 (5) The ~~department board of crime control~~ shall maintain a registry of designated ~~charitable~~
8 organizations and shall provide a list of approved organizations to establishments on request. The ~~department~~
9 ~~board of crime control~~ shall seek comment from appropriate statewide nonprofit organizations when developing
10 and updating the registry.

11 (6) The grants provided in this section are subject to available funding and are not guaranteed.
12 The grant does not apply to the costs of providing lodging to an individual who is displaced by a major disaster
13 declared by the president under 42 U.S.C. 5170 or 5191 and who receives financial assistance for temporary
14 housing under 42 U.S.C. 5174.

15 (7) The ~~department board of crime control~~ may adopt rules, prepare forms, and maintain records
16 that are necessary to implement and administer this section.

17 (8) As used in this section, the following definitions apply:

18 (a) (i) "Average daily rate" means the total amount of lodging receipts received by the
19 establishment during the night of the emergency stay without regard to local and state taxes received divided
20 by the number of rooms the establishment received compensation for during the night of the emergency stay.

21 (ii) The term does not include grant money received pursuant to this section.

22 (b) "Designated ~~charitable~~ organization" ~~has the meaning provided in 50-51-114~~ means a
23 charitable organization or government entity approved by the board of crime control to make referrals for
24 emergency lodging.

25 (c) "Establishment" means a person or entity that makes sales of accommodations as defined in
26 15-68-101.

27 (d) "State rate" means the rate the state pays for state employees in travel status that is adopted
28 by the department of administration.

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NEW SECTION. Section 2. Emergency lodging for victims of domestic violence or human trafficking account. (1) There is an emergency lodging for victims of domestic violence or human trafficking account in the state special revenue fund. The account is administered by the ~~department~~ board of crime control.

(2) The revenue allocated to the account as provided in 15-65-121(2)(f) must be deposited in the account and distributed as provided in [section 1].

(3) Money in the account is subject to legislative appropriation and must be used to provide grants to licensed establishments that provide short-term lodging in the state to individuals and families that are victims of domestic violence or human trafficking pursuant to [section 1].

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

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

(2) The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the state general fund, distributed to agencies that paid the tax with federal funds, or deposited in the heritage preservation and development account must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the emergency lodging for victims of domestic violence or human trafficking account, to the Montana historical

