# HOUSE BILL NO. 1010

# INTRODUCED BY D. BROWN

## IN THE HOUSE

	IN THE HOUSE
MARCH 23, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 26, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
MARCH 28, 1991	SECOND READING, DO PASS.
	ENGROSSING REPORT.
	ON MOTION, RULES SUSPENDED. BILL PLACED ON THIRD READING THIS DAY.
	THIRD READING, PASSED. AYES, 93; NOES, 6.
	TRANSMITTED TO SENATE.
	IN THE SENATE
MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
APRIL 11, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 13, 1991	SECOND READING, CONCURRED IN.
APRIL 15, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE.
	IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

APRIL 16, 1991

REPORTED CORRECTLY ENROLLED.

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exceed \$100,000.

1	BILL NO. 1, 010
2	INTRODUCED BY Charles
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
5	HARD-ROCK MINING IMPACT TRUST RESERVE ACCOUNT; AUTHORIZING
6	AND LIMITING EXPENDITURES FROM THE RESERVE ACCOUNT;
7	APPROPRIATING MONEY TO THE HARD-ROCK MINING IMPACT BOARD
8	FROM THE RESERVE ACCOUNT; AMENDING SECTIONS 90-6-304 AND
9	90-6-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 90-6-304, MCA, is amended to read:
1.3	"90-6-304. Accounts established. (1) There is within
14	the state special-revenue-fund agency fund type a hard-rock
15	mining impact account. Moneys-are Money is payable into this
16	account from payments made by a mining developer in
17	compliance with the written guarantee from the developer to
18	meet the increased costs of public services and facilities
19	as specified in the impact plan provided for in 90-6-307.
20	The state treasurer shall draw warrants from this account
21	upon order of the hard-rock-mining-impact board.
22	(2) There is within the state special revenue fund a

hard-rock mining impact trust account. Within this trust

account, there is established a reserve account not to

L	(a) Money within the hard-rock mining impact trus
2	account may be used:
3	(i) for the administrative and operating expenses o
1	the board, as provided by 90-6-303(4);
5	(ii) to establish and maintain the reserve account; and
5	(iii) for distribution to the counties of origin, a
7	provided by 90-6-331(1) and this section.
8	(b) Money within the hard-rock mining impact trus
9	reserve account may be used for the administrative an
0	operating expenses of the board if:
1	(i) the revenue provided under 15-37-117(1)(b) is les
2	than the amount appropriated for the administrative an
3	operating expenses of the board; or
4	(ii) the use of the reserve account revenue is necessar
5	to allow the board to meet its quasi-judicia
6	responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).
7	(c) The board shall report to the legislature an
8	expenditure from the hard-rock mining impact trust reserv
9	account.
0	(3) Money is payable into this the hard-rock minim
1	impact trust account under the provisions of 15-37-117
2	After first deducting the administrative and operating
3	expenses of the board, as provided in 90-6-303, and the
4	establishing and maintaining the reserve account in the

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amount of \$100,000, as provided in subsection (2) of this

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section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the hard-rock mining---impact board. If---money---available---to---pay administrative-and-operating-expenses-is--insufficient;--the board--may--apply--for--supplemental--money-from-the-general fund;"

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- Section 2. Section 90-6-331, MCA, is amended to read:
- "90-6-331. Fund transfer. (1) On July 1, 1990, and on prior to each July-1 October 1 thereafter, all funds remaining money segregated by county in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust reserve account established in 90-6-304(2) after-June-30 as of September 1 immediately preceding must be transferred to the county for which the funds have been held in deposit. The funds so transferred must be deposited in the county hard-rock mine trust reserve account established in 7-6-2225.
- (2) The transfer of funds required by this section is a statutory appropriation pursuant to 17-7-502."
  - NEW SECTION. Section 3. Appropriation. There is appropriated to the hard-rock mining impact board an amount not to exceed \$100,000 from the hard-rock mining impact trust reserve account, as established in 90-6-304(2).
- 25 NEW SECTION. Section 4. One-time reservation of funds.

- Any money within the hard-rock mining impact trust account on [the effective date of this act], regardless of fiscal
- 3 year of origin, that is not expended to pay administrative
- 4 and operating expenses incurred during the current fiscal
- 5 year must be retained in the hard-rock mining impact trust
- for reserve account established in 90-6-304(2).
- NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <a href="https://example.com/HB1010">HB1010</a>, as introduced.

#### DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a hard-rock mining impact trust reserve account; authorizing and limiting expenditures from the reserve account; appropriating money to the hard-rock mining impact board from the reserve account.

#### ASSUMPTIONS:

- 1. The proposed legislation appropriates the remaining fund balance of \$75,001 in hard-rock mining impact trust account and future unexpended balances from the 1.5% metal mines license tax revenue to the proposed hard-rock mining impact trust reserve account.
- 2. The hard-rock mining impact trust reserve account will retain \$100,000 of the license tax revenue which is statutorily appropriated. The reserve account will be used for administrative and operating purposes, to offset revenue shortfalls and provide funding for the board's adjudicatory functions, as required by statute.
- 3. The proposed legislation will not affect state metal mines license tax revenue or existing allocations.
- 4. The Hard Rock Mining Board is required to report expenditures from the reserve to the legislature.

### FISCAL IMPACT:

None until needed as authorized by statute.

# EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

- 1. No significant or immediate effect. Money transferred to counties from the Hard-Rock Mining Impact Trust Account is credited to the counties' hard-rock trust reserve accounts and not available for expenditure until the taxpaying mine closes or reduces its workforce by half.
- 2. Does not affect the state's 25% allocation of metal mines license tax revenue to counties or the allocation of license tax revenues by the county.

ROD SUNDSTED, BUDGET DIRECTOR

DAIL

Office of Budget and Program Planning

DAVE BROWN, PRIMARY SPONSOR

DATE

Fiscal Note for HB1010, as introduced

HB 1010-1

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exceed \$100,000.

# APPROVED BY COMMITTEE ON APPROPRIATIONS

1	HOUSE BILL NO. 1. 010
2	INTRODUCED BY
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4	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A
5	HARD-ROCK MINING IMPACT TRUST RESERVE ACCOUNT; AUTHORIZING
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7	APPROPRIATING MONEY TO THE HARD-ROCK MINING IMPACT BOARD
8	FROM THE RESERVE ACCOUNT; AMENDING SECTIONS 90-6-304 AND
9	90-6-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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12	Section 1. Section 90-6-304, MCA, is amended to read:
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13 14	*90-6-304. Accounts established. (1) There is within the state special-revenue-fund agency fund type a hard-rock
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14 15 16 17 18 19	the state special-revenue-fund agency fund type a hard-rock mining impact account. Moneys-are Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in 90-6-307. The state treasurer shall draw warrants from this account
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1	(a) Money within the hard-rock mining impact trust
2	account may be used:
3	(i) for the administrative and operating expenses of
4	the board, as provided by 90-6-303(4);
5	(ii) to establish and maintain the reserve account; and
6	(iii) for distribution to the counties of origin, as
7	provided by 90-6-331(1) and this section.
8	(b) Money within the hard-rock mining impact trust
9	reserve account may be used for the administrative and
10	operating expenses of the board if:
11	(i) the revenue provided under 15-37-117(1)(b) is less
12	than the amount appropriated for the administrative and
13	operating expenses of the board; or
14	(ii) the use of the reserve account revenue is necessary
15	to allow the board to meet its quasi-judicial
16	responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).
17	(c) The board shall report to the legislature any
18	expenditure from the hard-rock mining impact trust reserve
19	account.
20	(3) Money is payable into this the hard-rock mining
21	impact trust account under the provisions of 15-37-117.
22	After first deducting the administrative and operating
23	expenses of the board, as provided in 90-6-303, and then
24	establishing and maintaining the reserve account in the

amount of \$100,000, as provided in subsection (2) of this

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Section 2. Section 90-6-331, MCA, is amended to read:

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\*90-6-331. Fund transfer. (1) On July 1, 1990, and on prior to each duly--1 October 1 thereafter, all funds remaining money segregated by county in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust reserve account established in 90-6-304(2) after-dune-30 as of September 1 immediately preceding must be transferred to the county for which the funds have been held in deposit. The funds so transferred must be deposited in the county hard-rock mine trust reserve account established in 7-6-2225.

(2) The transfer of funds required by this section is a statutory appropriation pursuant to 17-7-502."

NEW SECTION. Section 3. Appropriation. There is appropriated to the hard-rock mining impact board an amount not to exceed \$100,000 from the hard-rock mining impact trust reserve account, as established in 90-6-304(2).

25 NEW SECTION. Section 4. One-time reservation of funds.

Any money within the hard-rock mining impact trust account on [the effective date of this act], regardless of fiscal year of origin, that is not expended to pay administrative and operating expenses incurred during the current fiscal year must be retained in the hard-rock mining impact trust reserve account established in 90-6-304(2).

NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

-End-

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2	INTRODUCED	BY Che Bron	<u> </u>	
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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A HARD-ROCK MINING IMPACT TRUST RESERVE ACCOUNT; AUTHORIZING AND LIMITING EXPENDITURES FROM THE RESERVE ACCOUNT; APPROPRIATING MONEY TO THE HARD-ROCK MINING IMPACT BOARD FROM THE RESERVE ACCOUNT; AMENDING SECTIONS 90-6-304 AND 90-6-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve account not to exceed \$100,000.

1	(a)	Money	within	the	hard-rock	mining	impact	trust
2	account m	ay be	used:					

3 (i) for the administrative and operating expenses of 4 the board, as provided by 90-6-303(4);

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7 provided by 90-6-331(1) and this section.

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9 reserve account may be used for the administrative and
10 operating expenses of the board if:

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13 operating expenses of the board; or

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15 to allow the board to meet its quasi-judicial

16 responsibilities under 90-6-307, 90-6-311, or 90-6-403(3).

17 (c) The board shall report to the legislature any
18 expenditure from the hard-rock mining impact trust reserve
19 account.

(3) Money is payable into the hard-rock mining impact trust account under the provisions of 15-37-117.

After first deducting the administrative and operating expenses of the board, as provided in 90-6-303, and then

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- 2 on [the effective date of this act], regardless of fiscal
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- 5 year must be retained in the hard-rock mining impact trust
- 6 reserve account established in 90-6-304(2).
- 7 NEW SECTION. Section 5. Effective date. [This act] is
- 8 effective on passage and approval.

-End-

HB 1010/02 52nd Legislature

1	HOUSE BILL NO. 1010
2	INTRODUCED BY D. BROWN
3	
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5	HARD-ROCK MINING IMPACT TRUST RESERVE ACCOUNT; AUTHORIZING
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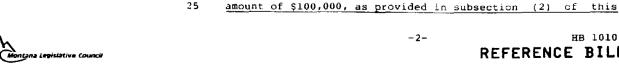
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19	account.
20	(3) Money is payable into this the hard-rock mining
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22	After <u>first</u> deducting the administrative and operating
23	expenses of the board, as provided in 90-6-303, and then

account may be used:



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HB 1010/02

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7 <u>NEW SECTION.</u> **Section 5.** Effective date. [This act] is 8 effective on passage and approval.

-End-