HOUSE BILL NO. 832

INTRODUCED BY ELLISON, ELLIOTT

IN THE HOUSE

FEBRUARY 13, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
FEBRUARY 14, 1991	FIRST READING.
MARCH 6, 1991	ON MOTION, ADDITIONAL SPONSORS ADDED.
MARCH 23, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 25, 1991	PRINTING REPORT.
APRIL 3, 1991	SECOND READING, DO PASS.
	ON MOTION, RULES SUSPENDED. BILL PLACED ON THIRD READING THIS DAY.
	THIRD READING, PASSED. AYES, 87; NOES, 13.
APRIL 4, 1991	ENGROSSING REPORT.
	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
	FIRST READING.
APRIL 8, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 9, 1991	SECOND READING, CONCURRED IN.
APRIL 10, 1991	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 12, 1991	RECEIVED FROM SENATE.

	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 13, 1991	THIRD READING, AMENDMENTS CONCURRED IN.
	SENT TO ENROLLING.
APRIL 17, 1991	REPORTED CORRECTLY ENROLLED.
APRIL 18, 1991	SIGNED BY SPEAKER.
APRIL 19, 1991	SIGNED BY PRESIDENT.
	DELIVERED TO GOVERNOR.
APRIL 22, 1991	RETURNED FROM GOVERNOR WITH RECOMMENDED AMENDMENTS.
APRIL 23, 1991	SECOND READING, GOVERNOR'S AMENDMENTS CONCURRED IN.

IN THE SENATE

APRIL 23, 1991	SECOND READING, GOVERNOR'S AMENDMENTS CONCURRED IN.
APRIL 24, 1991	THIRD READING, GOVERNOR'S AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 24, 1991	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

House BILL NO. 832

INTRODUCED BY Ellison

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING 20 PERCENT OF AN INCREASE IN GROSS PROCEEDS TAX TO THE LOCAL GOVERNMENT UNIT IN WHICH THE ORE WAS LOCATED; ALLOCATING THE APPLICABLE METAL MINES LICENSE TAX TO THOSE COUNTIES IDENTIFIED AS EXPERIENCING IMPACTS IF AN IMPACT PLAN HAS BEEN PREPARED; AMENDING SECTIONS 15-37-117 AND 90-6-404, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 90-6-404, MCA, is amended to read:

"**90-6-404. Allocation of taxable valuation for local taxation purposes.** When property of a large-scale mineral development is subject to the provisions of 90-6-403, the increase in taxable valuation must be allocated by the department of revenue as follows:

(1) Twenty percent of the total increase in taxable valuation of the gross proceeds must be allocated to the local government unit in which the ore was located.

~~(1)~~(2) The ~~total~~ remaining increase in taxable valuation of the mineral development must be allocated between affected counties and affected municipalities according to the following formula based on the place of

residence of mineral development employees:

(a) A portion, not to exceed 20%, to affected municipalities, based on that percentage of the total number of mineral development employees that reside within municipal boundaries. The taxable valuation allocated to affected municipalities must be distributed to each municipality according to its percentage of the total number of mineral development employees who reside within municipal boundaries. That portion of the taxable valuation distributed to a municipality pursuant to this section is subject to the same county mill levy as other taxable properties located in the municipality.

(b) The remaining portion of the taxable valuation must be distributed to each affected county according to its percentage of the total number of mineral development employees that reside within the county.

~~(2)~~(3) The ~~total~~ increase in taxable valuation equal to that subject to subsection (2) must be distributed pro rata among each affected high school district according to the percentage of the total number of mineral development high school students that reside within each district.

~~(3)~~(4) The ~~total~~ increase in taxable valuation equal to that subject to subsection (2) must be distributed pro rata among each affected elementary school district according to the percentage of the total number of mineral development

INTRODUCED BILL
HB 832

elementary school students that reside within each district."

Section 2. Section 15-37-117, MCA, is amended to read:

"**15-37-117. Disposition of metalliferous mines license taxes.** (1) Metalliferous mines license taxes collected under the provisions of this part are allocated as follows:

(a) to the credit of the general fund of the state, 58% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, 1.5% of total collections each year;

(c) to the state resource indemnity trust fund, 15.5% of total collections each year;

(d) to the county, or proportionally to the counties, identified as experiencing fiscal and economic impacts under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307 or, if no impact plan has been prepared, to the county in which the mine is located, 25% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 40% to the county hard-rock mine trust reserve account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(d)(i) to be further allocated as follows~~,~~ ~~except--that-more-than-one-entity-may-share-an-allocation-if~~

~~a-jurisdictional-revenue-disparity-is-identified-pursuant-to subsection-(2)~~:

(A) 33 1/3% is allocated to the county for planning or economic development activities;

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(d) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(d). The allocation to the county described by subsection (1)(d) is a statutory appropriation pursuant to 17-7-502."

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all large-scale mineral developments required to comply with 90-6-307 that did not have an impact plan approved pursuant to 90-6-307, as of December 31, 1990.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0832, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allocating 20 percent of an increase in gross proceeds tax to the local government unit in which the ore was located; allocating the applicable metal mines license tax to those counties identified as experiencing impacts if an impact plan has been prepared; and providing a retroactive applicability date.

FISCAL IMPACT:

The proposal has no effect on state expenditures or revenues.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The proposal reallocates the increase in gross proceeds taxable valuation by giving 20% to the local government unit in which the ore is located. The remainder of the increased taxable valuation is to be distributed among elementary and high school districts according to current law. Because the department possesses no information or assumptions on increases in future taxable valuation, quantification of this redistribution is not possible.

The proposal reallocates that portion of the metalliferous mines license tax which is distributed to counties (25%). Under current law the county portion is distributed exclusively to the county (ies) in which the mine is located. The proposal allows the portion to be distributed to the county (or among the counties) experiencing fiscal and economic impacts that has an approved impact plan. Because there is no information on future impact plans or the counties to which they may apply, this possible redistribution cannot be quantified.

Rod Sundsted 2-18-91
ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Orval S Ellison 2/19/91
ORVAL S. ELLISON, PRIMARY SPONSOR DATE

Fiscal Note for HB0832, as introduced

HB 832

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 832

INTRODUCED BY ELLISON, ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING 20 PERCENT OF AN INCREASE IN GROSS PROCEEDS TAX TO THE LOCAL GOVERNMENT UNIT IN WHICH THE ORE WAS LOCATED; ALLOCATING THE APPLICABLE METAL MINES LICENSE TAX TO THOSE COUNTIES IDENTIFIED AS EXPERIENCING IMPACTS IF AN IMPACT PLAN HAS BEEN PREPARED; AMENDING SECTIONS 15-37-117 AND 90-6-404, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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Section 1. Section 90-6-404, MCA, is amended to read:

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(1) Twenty percent of the total increase in taxable valuation of the gross proceeds must be allocated to the local government unit in which the ore was located.

~~(1)~~(2) The ~~total~~ remaining increase in taxable valuation of the mineral development must be allocated between affected counties and affected municipalities according to the following formula based on the place of residence of mineral development employees:

(a) A portion, not to exceed 20%, to affected municipalities, based on that percentage of the total number of mineral development employees that reside within municipal boundaries. The taxable valuation allocated to affected municipalities must be distributed to each municipality according to its percentage of the total number of mineral development employees who reside within municipal boundaries. That portion of the taxable valuation distributed to a municipality pursuant to this section is subject to the same county mill levy as other taxable properties located in the municipality.

(b) The remaining portion of the taxable valuation must be distributed to each affected county according to its percentage of the total number of mineral development employees that reside within the county.

~~(2)~~(3) The ~~total~~ increase in taxable valuation equal to that subject to subsection (2) must be distributed pro rata among each affected high school district according to the percentage of the total number of mineral development high school students that reside within each district.

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elementary school students that reside within each district.

(5) THE DISTRIBUTION FORMULA SPECIFIED IN SUBSECTIONS (2) THROUGH (4) MAY BE MODIFIED BY AN IMPACT PLAN APPROVED AS PROVIDED IN 90-6-307 OR AMENDED AS PROVIDED IN 90-6-311, IF THE MODIFICATION IS NEEDED IN ORDER TO ENSURE A REASONABLE CORRESPONDENCE BETWEEN THE OCCURRENCE OF INCREASED COSTS RESULTING FROM THE MINERAL DEVELOPMENT AND THE ALLOCATION OF TAXABLE VALUATION RESULTING FROM THE MINERAL DEVELOPMENT."

Section 2. Section 15-37-117, MCA, is amended to read:

"**15-37-117. Disposition of metalliferous mines license taxes.** (1) Metalliferous mines license taxes collected under the provisions of this part are allocated as follows:

(a) to the credit of the general fund of the state, 58% of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, 1.5% of total collections each year;

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(d) to the county, or proportionally to the counties, identified as experiencing fiscal and economic impacts, RESULTING IN INCREASED EMPLOYMENT OR LOCAL GOVERNMENT COSTS, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307 or, if no impact

prepared and approved pursuant to 90-6-307 or, if no impact plan has been prepared, to the county in which the mine is located, 25% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 40% to the county hard-rock mine trust reserve account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(d)(i) to be further allocated as follows~~,~~ ~~except--that-more-than-one-entity-may-share-an-allocation-if a-jurisdictional-revenue-disparity-is-identified-pursuant-to subsection-(2)~~:

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(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(d) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(d). The allocation to the county described by subsection (1)(d) is a statutory appropriation pursuant to 17-7-502."

NEW SECTION. **Section 3.** Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to all large-scale mineral developments required to comply with 90-6-307 that did not have an impact plan approved pursuant to 90-6-307, as of December 31, 1990.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING 20 PERCENT OF AN INCREASE IN GROSS PROCEEDS TAX TO THE LOCAL GOVERNMENT UNIT IN WHICH THE ORE WAS LOCATED; ALLOCATING THE APPLICABLE METAL MINES LICENSE TAX TO THOSE COUNTIES IDENTIFIED AS EXPERIENCING IMPACTS IF AN IMPACT PLAN HAS BEEN PREPARED; AMENDING SECTIONS 15-37-117 AND 90-6-404, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY DATE."

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THIRD READING

elementary school students that reside within each district.

(5) THE DISTRIBUTION FORMULA SPECIFIED IN SUBSECTIONS (2) THROUGH (4) MAY BE MODIFIED BY AN IMPACT PLAN APPROVED AS PROVIDED IN 90-6-307 OR AMENDED AS PROVIDED IN 90-6-311, IF THE MODIFICATION IS NEEDED IN ORDER TO ENSURE A REASONABLE CORRESPONDENCE BETWEEN THE OCCURRENCE OF INCREASED COSTS RESULTING FROM THE MINERAL DEVELOPMENT AND THE ALLOCATION OF TAXABLE VALUATION RESULTING FROM THE MINERAL DEVELOPMENT."

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(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(d). The allocation to the county described by subsection (1)(d) is a statutory appropriation pursuant to 17-7-502."

NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all large-scale mineral developments required to comply with 90-6-307 that did not have an impact plan approved pursuant to 90-6-307, as of December 31, 1990.

-End-

SENATE STANDING COMMITTEE REPORT

April 8, 1991

MR. PRESIDENT:
We, your committee on Taxation having had under consideration House Bill No. 832 (third reading copy -- blue), respectfully report that House Bill No. 832 be amended and as so amended be concurred in:

1. Page 3, line 21.
Following: "county"
Strike: ","
Strike: "proportionally to the"
Following: "counties"
Strike: ","

2. Page 3, line 25.
Following: "90-6-307"
Insert: ", in direct proportion to the fiscal and economic impacts determined in the plan,"

3. Page 3, line 25 through page 4, line 1.
Strike: "if" on page 3, line 25 through "or," on page 4, line 1.

Signed: Mike Halligan
Mike Halligan, Chairman

JM 4-8-91
Amd. Coord.

SB 4-8 2:10
Sec. of Senate

SENATE
HB 832

HOUSE BILL NO. 832

INTRODUCED BY ELLISON, ELLIOTT

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REFERENCE BILL
AS AMENDED

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PROPORTION TO THE FISCAL AND ECONOMIC IMPACTS DETERMINED IN THE PLAN, or, if no impact plan has been prepared, to the county in which the mine is located, 25% of total collections each year, to be allocated by the county commissioners as follows:

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-End-

GOVERNOR'S AMENDMENTS TO
HOUSE BILL 832
(REFERENCE COPY, AS AMENDED)
APRIL 22, 1991

1. Page 1, line 19.
Following: "(1)"
Insert: "If the board determines that the local government unit, in which the ore body or the mineral deposit being mined is located, is not affected by the development and this determination is shown on the impact plan,"

2. Page 1, line 20.
Following: "to"
Strike: "the"
Insert: "that"

3. Page 1, line 21.
Following: "unit"
Strike: "<u>in which the ore was located</u>"
Insert: "This provision is intended to establish a minimum allocation for such units and does not prohibit proof by such a unit that actual direct impacts would exceed 20 percent of the total impacts of the development."

Gov. Amend.
HB 832