MINUTES OF THE MEETING OF THE HOUSE TAXATION COMMITTEE January 27, 1983

The meeting was called to order at 8:00 a.m. by Chairman Yardley. Roll call was taken and all committee members were present except Representatives Abrams and Keenan, who were excused.

Testimony on HB 380 was heard during this meeting.

Executive action was taken on HB 340 and HB 341.

HOUSE BILL 380

REPRESENTATIVE DEAN SWITZER, District 54, sponsor of the bill, said the Environmental Quality Council assigned a subcommittee on hard rock mining to study the metalliferous mine license tax.

The Hardrock Subcommittee had six meetings that were held in conjunction with public hearings in six towns outside of Helena plus several meetings preceding EQC meetings.

The EQC staff provided a lot of research, assisted by Jim Oppedahl, staff researcher for the Legislative Council, and a consulting firm represented by Bruce Finnie, School of Mines, Montana State University, University of Montana, plus mining company representatives and a host of interested citizens.

Everywhere the subcommittee went the reports and demonstrations indicated that the mining industry was having serious economic problems. At one meeting a poll of the Hardrock Subcommittee indicated no one thought the mining industry could stand any more taxes. In spite of that opinion, there were four options offered that did raise taxes sooner or later. Because of that, a fifth option was offered - to repeal the tax.

The metalliferous mines license tax is 1.438% of gross proceeds and produces about \$1.5 million in general fund revenue. Over \$1 million of this revenue has been coming from the Anaconda operation at Butte, which will end June 30. Tax payments will continue through the regular period. This tax was imposed in 1923 and levied on net proceeds until the change in state constitutions in the early 1970's. Some of the taxing history indicates the application of tax has always been with an eye to how much money could be raised and not what it will do to the metal mining industry, which is an important part of Montana's economic base. (Slightly over 10%.)

Mining employees, traditionally, earn near the highest average wage of any in the state. (340 workers at ASARCO, near Troy, average \$27,000.)

Minutes of the Meeting of the House Taxation Committee Page -2-January 27, 1983

Montana mining industry paid \$13.5 million in property taxes in 1981 plus income taxes.

Proponents

WARD SHANAHAN, representing the Stillwater PGM Resources, said the group he represents supports HB 380 because the facts support A recent study done by the Environmental Quality Council shows definitively that the hardrock mining industry, which is a basic industry like agriculture or forestry, should also have tax relief to allow it to recover from severe economic reverses and prosper for the benefit of the state and the nation. the group generally favors the approach taken by Representative Dave Brown in HB 446, to allocate a portion of the metal mines severance tax to a special "impact fund" for local government relief, they have difficulty with the other features of the bill which include an increase of about 5% in present tax levels. Mr. Shanahan passed out copies of drafts from the study done by the Environmental Quality Council. (See EXHIBIT 1.)

GARY LANGLEY, Executive Director of the Montana Mining Association, said the association has participated in some studies of mining businesses in Montana. He handed out copies of the findings of those studies. (See EXHIBITS 2 and 3.) He said the association feels the metalliferous mine tax is a regressive tax. The amount of revenue that the state will lose (\$1.5 million per year) is not a significant amount but it is a significant part of mining companys' tax burden.

DON JENKINS, Golden Sunlight Mine in Whitehall, Montana, said HB 380 is the first positive legislation for mining in a long time. Mr. Jenkins said HB 380 is a good opportunity to send out a signal that Montana is not anti-industry or mining and that Montana welcomes mining into Montana.

MR. JENKINS said Montana is one of the highest mineral tax paying states in the United States. Montana is a great state for exploration. The amount of taxes and jobs being created will more than make up for lost metalliferous mine taxes.

Opponents

ELLEN FEAVER, Director of the Department of Revenue, explained the basis on which the revenue loss estimate was prepared was on the basis that the Anaconda Company would continue in production through half of 1984. There is a half year's tax from the Anaconda Company included in the first year of the fiscal note. the reason the revenue is projected to drop in half from approximately \$1 million to \$.5 million.

ANN MULRONEY, representing the League of Women Voters in Montana, said the league recognizes and supports the growing importance of severance taxes in the state revenue total. The non-renewable recourse tax base is Montana's one important alternative to the industrial tax base available to many states. Although not a major revenue producer in recent years, the metal mines tax applies to a potentially important tax base. The tax rate has not been shown to be punitive or to have affected the competitiveness of Montana's resources. She asked this committee to retain the metal mines tax.

REPRESENTATIVE SWITZER passed out copies of testimony given to the Environmental Quality Council by Edward C. Bingler. (See EXHIBIT 4.) Representative Switzer read parts of the testimony to the committee.

REPRESENTATIVE NORDTVEDT asked Ms. Feaver if she opposed the bill primarily because of the revenue impact. Ms. Feaver said that was correct.

CHAIRMAN YARDLEY said because HB 380 is only one of a series of bills on mine tax, this committee will hold the bill until all the other mine tax bills have been heard.

The hearing on HB 380 was closed.

CHAIRMAN YARDLEY called the meeting into Executive Session.

EXECUTIVE SESSION

House Bill 261

CHAIRMAN YARDLEY said this committee took executive action on HB 261 without considering Representative Brown's amendments. He passed out copies of amendments submitted by Representative Brown. (See EXHIBIT 5.) Chairman Yardley asked if this committee had any objection to reconsidering their previous action on HB 261.

REPRESENTATIVE ZABROCKI moved this committee RECONSIDER PREVIOUS ACTION ON HB 261.

REPRESENTATIVE WILLIAMS asked if anyone found out if this exemption was covered in existing law. Jim Oppedahl, Legislative Council, said he could not find that exemption in the Montana Codes Annotated at this time but would look into the matter further.

The motion was voted on and FAILED because of a tie vote. A roll call vote was taken and Representatives Asay, Bertelsen, Devlin, Dozier, Harp, Neuman, Nordtvedt and Vinger voted no. Representatives Jacobsen, Nilson, Ream, Switzer, Underdal, Williams and Yardley voted yes. Representatives Abrams and Keenan were excused.

(NOTE: Representative Harrington's vote of yes was not recorded, which would result in a tie breaker. During second reading on the House floor, the bill was referred back to the Taxation Committee by motion of Representative Brown.)

CHAIRMAN YARDLEY said this committee has received the fiscal notes on HB 340 and HB 341. He had talked with Representative Shontz, sponsor of the bills, and Representative Shontz asked this committee to table the bills.

House Bill 340

REPRESENTATIVE NEUMAN moved HB 340 BE TABLED.

REPRESENTATIVE ASAY made a substitute motion that HB 340 DO NOT PASS.

The substitute motion was voted on and PASSED. All committee members present voted yes except Representatives Ream and Yardley, who voted no.

House Bill 341

REPRESENTATIVE NEUMAN moved HB 341 BE TABLED.

REPRESENTATIVE ASAY made a substitute motion that HB 341 DO NOT PASS.

The substitute motion was voted on and PASSED. All committee members present voted yes except Representatives Neuman, Ream and Yardley, who voted no.

REPRESENTATIVE WILLIAMS left the meeting.

House Bill 297

REPRESENTATIVE NORDTVEDT said this committee could bring all pension income up to the \$3,600 level so that all retirees are on the same basis and maybe raise that amount in the future. The concept that all pension income be treated on the same principal is a good one. He suggested getting a revised fiscal note.

REPRESENTATIVE HARRINGTON said he does not oppose the amendment. He would like to see the amount go to \$5,000 but if that was not possible, he wants the exemption amount to be \$3,600 for all retirees in order to give all retirees the same benefit that public employees now have.

REPRESENTATIVE NEUMAN said because of the fiscal impact that would be caused by HB 297, he would like to hold the bill in committee until we see what the state revenue picture will be.

REPRESENTATIVE NORDTVEDT moved the following amendments to HB 297:

1. Title, line 5.
 Following: "EXCEED"
 Strike: "\$5,000"

Strike: "\$5,000" Insert: "\$3,600"

2. Page 2, line 11. Following: "\$360" Strike: "\$5,000" Insert: "\$3,600"

The motion was voted on and PASSED. All committee members present voted yes except Representatives Harrington, Nilson and Yardley, who voted no.

CHAIRMAN YARDLEY said this committee will hold action on HB 297 until a revised fiscal note has been received.

House Bill 333

REPRESENTATIVE HARP moved HB 333 DO PASS.

CHAIRMAN YARDLEY said Representatives Williams had wanted to get more information on HB 333 and since he is not present at this time, the committee will hold off on any action on the bill.

REPRESENTATIVE HARP withdrew his motion.

JIM OPPEDAHL told committee members Section 15-23-612 is the section of the Montana Codes Annotated that allows one-half of the net proceeds of natural gas to be exempted. There is nothing that needs to be changed as long as that section remains active.

The meeting was adjourned at 9:15 a.m.

DAN YARDLEY, Chairman

Di Bardiling

Vicki Lofthouse, Secretary

ORESS 301 First Bank Bldg. Helena, Mostana

DATE 1-27-83

THOM DO YOU REPRESENT STILLMATER PCM RESOURCES, Big Timbe , Montana

SUPPORT X X X X OPPOSE

MEHD

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

We support this bill because the facts support it. Comments:

The recent study made the Euvironmental Quality Council of this legislature, under HJR 66(1981Session) and published in January 1983 shows definitively that the hard rock mining industry, which is a basic industry like agriculture or forestry, should also have tax relief to allow it to recover from severe economic reverses and prosper for the benefit of th state and the nation.

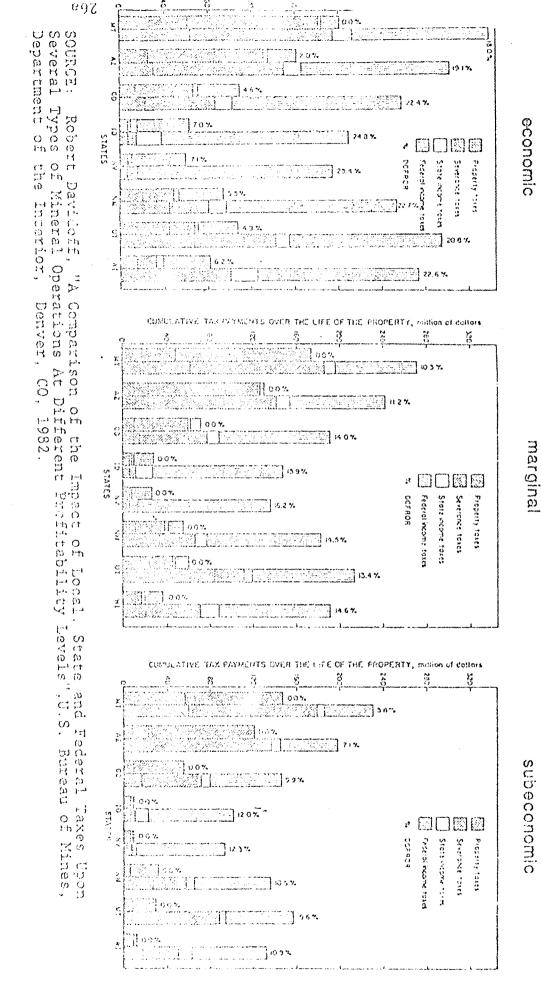
On page 13 of the EQC Hard Rock Study (Port 2.1 January 1983) the council found that a significant decline has occurred in the metals industry. This was found to have occurred partly because mining is dependent on rational and world demand for its products. It was also found that competition from producers in other parts of the country and the world, as well as competition from substitute materials, has forced extensive changes in Montana's metal operations.

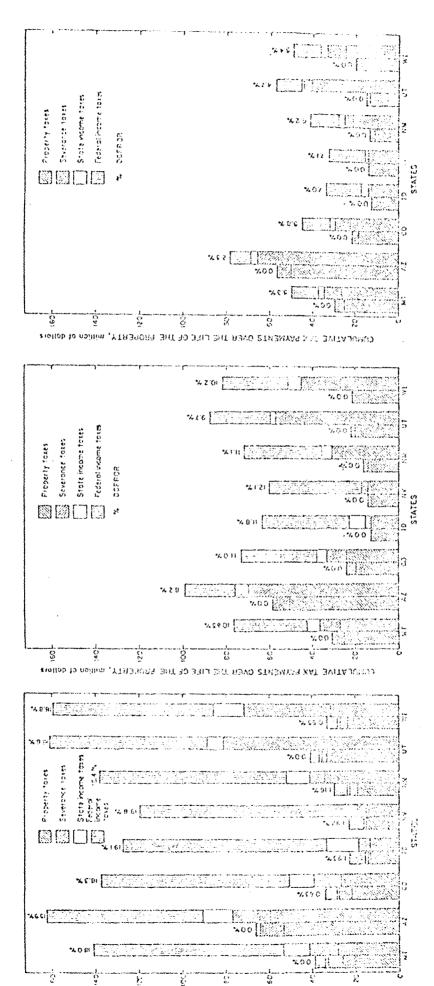
Montana's mineral severance and property taxes were shown to be the very highest in the Rocky Mountain West on COPPER and the highest(in just about every instance) for other metals like GOLD and PLATINUM. We have attached the diagrams from the study to this statement. They are taken from a U.S. Bureau of Mines study that was conducted jointly with the EQC during the past 18 months. They demonstrate the correctness of these conclusions.

Although we generally favor the approach taken by Representative Dave Brown in HB 446, to allocate a portion of the metal mines severance tax to a special "impact fund" for local government relief, we have difficulty with the other features of the bill which include and increase of about 5% in present tax levels.

Respectfully sublitted,

Ward N. Shanahan Stillwater FCM Resources Tel; Helena 442-8560



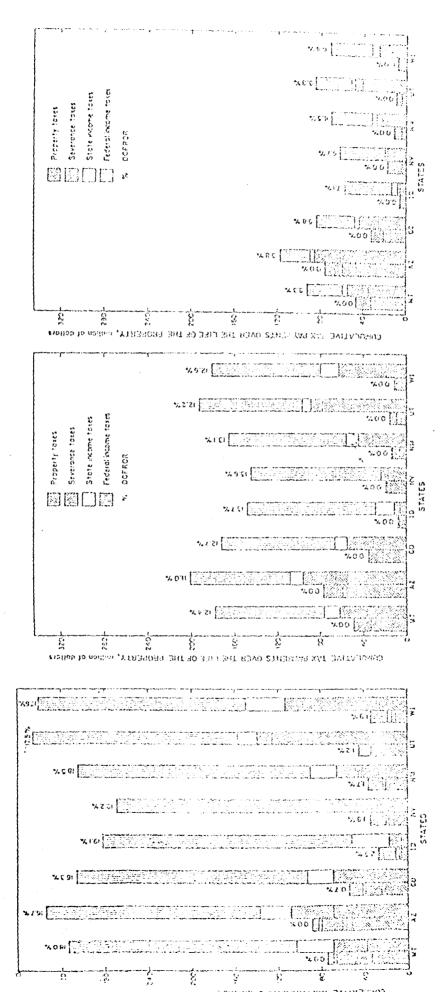


SOURCE: Robert Davidoff, "A Comparison of the Impact of Local, State and Federal Taxes Upon Several Types of Mineral Operations At Different Profitability Levels", U. S. Bureau of Mines. Department of the Interior, Denver, CO, 1982.

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COPPLETIVE TAX PAYMENTS OVER THE LIFE

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SOURCE: Robert Davidoff, "A Comparison of the Impact of Local, State and Tederal Taxes Un Several Types of Mineral Operations At Different Profitability Levels". U.S. Bureau of Mil Department of the Interior, Denver, CO, 1982.

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FACT #1

Montana Mining Association/P.O. Box 132

Helena, MT 59624/(406) 443-7297

MONTANA MINING PAYS ITS FAIR SHARE OF TAXES!

Property Taxes Paid by the Mining Industry

(\$13.5 million in 1981)

Metal Mines License Tax

(\$1.6 Million in 1981)

Resource Indemnity Trust Tax

(\$385,000 in 1981)

In addition the mining industry pays corporate license taxes and other license taxes and royalties unique to the mining industry.





FACT #2

Montana Mining Association/P.O. Box 132

Helena, MT 59624/(406) 443-7297

MINING:IS ESSENTIAL TO MONTANA'S ECONOMY

- In 1980, the nonfuels minerals industry represented 10.5 percent of Montana's economic base.
- The mining industry injects new funds into Montana's economy which create additional incomes as dollars are spent and respent.
- Excluding copper mining in the non-fuels minerals industry gold; silver and other metals is one of the fastest growing of Montana's basic industries.
- Recent growth of the mining industry has helped counterbalance decreases elsewhere in Montana's economic base.
- Workers in the non-fuels minerals industry are among the best paid in Montana. (\$25,300 average annual salary)
- If past trends continue and state policy provides a desirable business climate, the non-fuels minerals industry will continue to contribute significantly to Montana's economic growth in the 1980's.



WITNESS STATEMENT

NAME Ann Mula.	oxel	BILL No.	HB380
ADDRESS 700 Pou	Jer, Helena	DATE	127/83
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GEOLOGY Town Level Services

Quotes used in testimony by Bill spanker.

MONTANA BUREAU OF MINES AND GEOLOGY

MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY

BUTTE, MONTANA 59701 (406) 496-4180

November 22, 1982

Representative Dave Brown, Chairman Hard-Rock Mining Subcommittee Environmental Quality Council Capitol Building Helena, MT 59620

Dear Chairman Brown:

This letter presents my comments on the statements, conclusions, and implications of the Draft Report of the EQC/ROC Hard-Rock Mining Subcommittee on the Socio-Economic Impacts of Large-Scale Hard-Rock Mining Pursu-The views I present here are based upon analysis and opinions ant to HJR66. of myself and staff geologists of the Montana Bureau of Mines and Geology, formulated and compiled since the report was circulated. I emphasize that the views presented here are not intended as an advocacy of either a promining or an anti-mining stance with respect to issues involved, but simply our view of the validity and technical merit of the draft report. Our conclusions stated here should be viewed as those of geologists who are familiar with the operating constraints of production mining, and in particular with the attitudes, operating scenarios, needs, and prohibitions of mineral exploration staff in mining companies. We are geologists, not mineral economists, and it is not our intent to comment from a professional mineral economic point of view.

Our conclusions are as follows:

1. Overall, the content is carefully, clearly, and thoughtfully presented based on the best available data, and in a way which is balanced and fairly stated. The draft reflects a very comprehensive analysis of a very complex mineral economic issue. As a group we concur with the issues identified, the scenarios established, the conclusions drawn, and the implications realized, with the exception of a few minor points described below.

Based on our brief review, we support the data presented, the analysis provided, and the conclusions and recommendations stated.

2. The following comments are offered relative to specific statements and conclusion in the draft report:

- a) The Zortman-Landusky precious metal mines and processing plants in the Little Rockies are major operations and producers in Montana. Chapter Four - case studies of ASARCO/Troy and Anaconda/-Stillwater - might be expanded and strengthened by considering these operations and their impacts.
- b) Section 3.4, Pros and Cons of Various Taxes: third paragraph and fourth paragraph under severance taxes.

The statement that "severance taxes do not discourage exploration and development of mineral reserves . . ." does not reflect the general opinion among exploration geologists. Just the opposite is probably true. Also witness the effect on new coal mining operations in Montana versus Wyoming.

Also, the statement implying that severance taxes "conserve resources" is very misleading. In metal and industrial mineral mining, severance taxes can result in "gutting" higher grade ore from a deposit, leaving the remaining low grade ore worthless and unminable. In this way mineral resources are wasted and the wealth they represent is not realized.

c) Chapter Four: In making Anaconda's Stillwater Platinum group metals prospect an example, the existance of the Johns Manville-Chevron joint venture has been ignored. Discovery of the minable platinum/palladium mineralization was made by Johns Manville less than ten years ago and, recognizing that PGM Resources controls over 90% of the platinum resources in the Stillwater Complex, there will most probably be platinum mining in the area for some time after the Anaconda property is mined out, granting that mining is ever successful for this type of deposit.

Obviously we have not had time to make an exhaustive review of the draft report. Our comments here should be regarded as an overview of an excellent and very detailed report from those of us with a strong interest in the issues and a familiarity with mineral exploration.

Sincerely yours.

Edward C. Bingler Director and

State Geologist

ECB:smb

MR. CHAIRMAN.

FOR THE NEXT AND LAST PART OF THIS TESTIMONY, I WISH TO SPEAK OUTSIDE OF THE CONTEXT OF MY OFFICIAL DUTIES, AND I ASK THE SUBCOMMITTEE TO REGARD MY COMMENTS AS THOSE OF ONLY ONE MONTANA CITIZEN. MY VIEWS HERE ARE PERSONAL, AND BASED ON MY OWN EXPERICENCE AS A PROFESSIONAL GEOLOGIST WORKING WITH MINERAL RESOURCES AND ENVIRONMENTAL GEOLOGY PROGRAMS FOR TWENTY-TWO YEARS -- EIGHT OF THOSE IN NEW MEXICO, TWO IN SOUTH DAKOTA, NINE IN NEVADA, AND FOUR IN MONTANA.

DURING MY CAREER I HAVE MAINTAINED REASONABLY CLOSE CONTACT WITH EXPLORATION GEOLOGISTS AND DISTRICT EXPLORATION MANAGERS, BECAUSE IT WAS

CRITICAL TO THE STRUCTURE OF MY RESEARCH AND PUBLIC SERVICE PROGRAMS THAT I

UNDERSTAND THE GOALS AND PERSPECTIVES OF THE MINERAL EXPLORATION PROGRAMS OF

MAJOR CORPORATIONS AND SMALL MINING COMPANIES, BOTH FOR METALS AND FOR INDUSTRIAL MINERALS.

DURING MY WORK IN NEW MEXICO AND NEVADA, OBVIOUSLY WESTERN STATES WITH GREAT MINERAL WEALTH AND MAJOR MINERAL PRODUCTION, REGULAR CONTACT WITH PRIVATE SECTOR EXPLORATION GEOLOGISTS GENERATED A FAIRLY CLEAR FEELING OF THE NATURE OF THE EXPLORATION "CLIMATE" IN THOSE STATES. IN MY JUDGEMENT THAT "CLIMATE" WAS, IN SUBJECTIVE TERMS, VERY FAVORABLE, POSITIVE, OPEN, AND SUPPORTED BY STATE GOVERNMENT AND THE PEOPLE IN THE STATE. THE RESULT OF WHAT I TERM A "FAVORABLE CLIMATE" WAS STEADY AND CONTINUING INTEREST IN BUILDING STRONGLY CAPITALIZED AND DIVERSIFIED EXPLORATION AND MINERAL DEVELOPMENT PROGRAMS, SUBSTANTIAL RISK-TAKING, MAJOR INVESTMENT, A THOROUGH SEARCHING FOR NEW MINERAL DEPOSITS AND CONSTANT RE-SEARCHING OF OLDER ESTABLISHED MINING DISTRICTS FOR NEW TARGETS. SINCE MAJOR NEW MINERAL PRODUCTION IS NEARLY ALWAYS PRECEDED BY A SUBSTANTIAL, LONG-TERM EXPLORATION INVESTMENT, THE PRESENT RESULT OF THE "FAVORABLE CLIMATE" FOR EXPLORATION IN NEVADA, FOR

EXAMPLE, ARE MAJOR PRODUCERS SUCH AS CARLIN (GOLD), BATTLE MOUNTAIN (FIRST COPPER, NOW PRECIOUS METALS), OR POTENTIAL PRODUCERS SUCH AS PUMPKIN HOLLOW (1.2 BILLION TONS OF IRON ORE) AND QUARTZ MOUNTAIN (MOLYBDENUM).

COMING TO MONTANA NEARLY FIVE YEARS AGO I SOON PERCEIVED THE EXPLORATION "CLIMATE" AS QUITE DIFFERENT, AND CERTAINLY LESS FAVORABLE. THE SUBJECTIVE SENSE OF THE EXPLORATION "CLIMATE" I WOULD DESCRIBE WITH ADJECTIVES SUCH AS DEFENSIVE, LIMITED OPPORTUNITY, NOT WORTH RISKING CAPITAL, TOO MANY OBSTACLES, OBSTRUCTIVE TAXING PHILOSOPLY AND SO FORTH. CERTAINLY THIS "CLIMATE" CHANGES FROM TIME TO TIME AND FROM PLACE TO PLACE IN MONTANA, BUT MY SENSE OF THE "CLIMATE" IS THAT IT IS STILL NEGATIVE IN BALANCE AND DISCOURAGING TO CONTINUED, RENEWED, OR NEW MINERAL EXPLORATION.

IF YOU GRANT THAT INDUSTRY'S ATTITUDE CURRENTLY REFLECTS A NEGATIVE EXPLORATION CLIMATE IN MONTANA, IT FOLLOWS IN A GENERAL WAY THAT THE OPPORTUNITIES FOR EXPANDED OR NEW MINERAL RESOURCE PRODUCTION ARE LIMITED AT BEST.

IF THE PEOPLE AND THE GOVERNMENT OF MONTANA WISH TO STIMULATE PRUDENT GROWTH
IN MINERAL RESOURCE PRODUCTION WITH ATTENDANT GROWTH IN JOBS, INVESTMENT,
AND TAX REVENUE, STEPS SHOULD BE TAKEN SOON TO CHANGE, OR BEGIN TO CHANGE,
THIS NEGATIVE EXPLORATION CLIMATE.

CHANGES AND NEW DIRECTIONS YOU AS A SUBCOMMITTEE COULD SUGGEST, BASED ON THE ANALYSIS PROVIDED BY THE DRAFT REPORT ON HARD-ROCK MINING, SHOULD BE TO:

- 1) RECOMMEND A NET PROCEEDS BASIS OF TAXATION RATHER THAN A GROSS PROCEEDS BASE. PERHAPS A "MOVING AVERAGE" OF NET PROCEEDS LEVIED
 BASED ON CURRENT YEAR PLUS TWO PAST YEARS NET PROCEEDS COULD SMOOTH
 THE PRECIPITIOUS YEARLY UPS AND DOWNS OF TAX RECEIPTS.
- 2) SHOW GOOD FAITH AND A COMMON INTEREST IN STRENGTHENING EXPLORATION
 BY RECOMMENDING A MODEST DECREASE IN SEVERANCE TAXES ON METAL AND

INDUSTRIAL MINERAL PRODUCTION. IN THESE DAYS OF GREAT SENSITIVITY
TO STATE REVENUE SOURCES, THERE SHOULD STILL BE A RECOGNITION THAT
A VERY MODEST LOSS OF REVENUE IN THE SHORT TERM CAN AND WOULD BE
MORE THAN MADE UP, OR MADE UP MANY TIMES OVER, THROUGH INCREASED
EXPLORATION AND MINERAL PRODUCTION OVER THE LONG TERM.

AS A CITIZEN AND TAX PAYER IN MONTANA I WOULD LIKE TO SEE OUR MINERAL RESOURCE POTENTIAL RECOGNIZED AND PRUDENTLY DEVELOPED BY AN ENVIRONMENTALLY RESPONSIVE AND SENSITIVE PRIVATE SECTOR. MONTANANS HAVE WORKED HARD TO DEVELOP AND ENFORCE ADEQUATE SAFEGUARDS TO MINIMIZE THE LAND DISTURBANCE THAT ACCOMPANIES THE EXTRACTION OF MINERAL RESOURCES. REASONABLE RATES OF TAXATION ON SEVERED MINERALS RETAIN WEALTH FOR THE STATE AND PROVIDE FOR NECESSARY LAND RECLAMATION. WITH THIS FRAMEWORK IN PLACE, I BELIEVE IT IS TIME TO REALIZE THE BENEFITS OF AN EXPLANDED MINERAL PRODUCTION BASE BY ADJUSTING TAX POLICY AS I HAVE SUGGESTED TO FAVOR EXPANDED MINERAL EXPLORATION AND THE STRENGTHENING OF OUR MINERAL ECONOMY.

THANK YOU.

STANDING COMMITTEE REPORT

	January 26,	1919
MR. SPEAKER:		
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having had under consideration	ИС	USE Bill No. 261
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STANDING COMMITTEE REPORT

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ANTITATIVE DO NOT PASS

DAI YARDLEY. Chairman.