

SENATE BILL NO. 407

Introduced: 02/12/83

Referred to Committee on Taxation: 02/12/83

Hearing: 2/18/83

Died In Committee.

1 *State* BILL NO. *407*  
2 INTRODUCED BY *Rep. Rash Kennedy*  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CREDIT ON  
5 THE COAL SEVERANCE TAX, THE OIL AND GAS SEVERANCE TAX, THE  
6 MINING LICENSE TAXES, AND THE RESOURCE INDEMNITY TRUST TAX  
7 FOR SIMILAR TAXES PAID TO TRIBAL GOVERNMENTS; AND PROVIDING  
8 AN APPLICABILITY DATE."  
9

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

11 Section 1. Credit for tax paid to tribal government.

12 (1) There is a credit against the taxes imposed by chapters  
13 35 through 38 of Title 15 in an amount equal to a similar  
14 tax legitimately imposed and paid to a tribal government.

15 (2) The credit may not be allowed for payments made to  
16 a tribal government for the severance, extraction, mining,  
17 or production of coal, oil, gas, or minerals that is not  
18 legitimately subject to tribal tax.

19 (3) The credit provided for in subsection (1) must be  
20 taken in the year the tribal tax is paid and may not exceed  
21 the taxpayer's liability for that taxable year. A credit not  
22 used against the tax imposed for the severance, extraction,  
23 mining, or production of coal, oil, gas, or minerals for  
24 which the tribal tax is paid may not be carried forward or  
25 back to any other taxable period.

1 (4) The department may require the taxpayer taking the  
2 credit provided for in subsection (1) to provide the  
3 department with such information as the department considers  
4 necessary for the proper administration of this section.

5 Section 2. Codification instruction. Section 1 is  
6 intended to be codified as an integral part of Title 15,  
7 chapters 35 through 38, and the provisions of Title 15,  
8 chapters 35 through 38, apply to section 1.

9 Section 3. Applicability date. This act applies to  
10 taxable years beginning after December 31, 1983.

-End-

-2- INTRODUCED BILL  
SL 407

STATE OF MONTANA

REQUEST NO. 388-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, , 19 83 , there is hereby submitted a Fiscal Note for Senate Bill 407 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 407 allows a credit on the coal severance tax, the oil and gas severance tax, the mining license taxes, and the resource indemnity trust tax for similar taxes paid to tribal governments; and provides an applicability date.

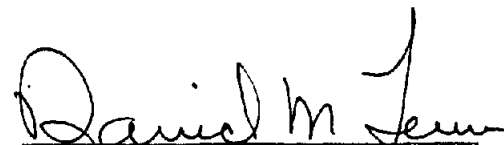
ASSUMPTIONS:

- 1) Blackfeet Tribal Taxes:  
Oil - first 450 barrels - 2.1%, over 450 barrels 2.65%, and tax of 0.5%  
(Average tax rate - 3.0%).  
Natural Gas - 2.65% plus tax of 0.5% (3.15%).
- 2) Crow Tribal Tax - coal - 25% of value.
- 3) 1981 production data (gross value) Blackfeet - oil - \$15,217,781; natural gas - \$1,589,834; Crow - coal - \$24,811,052.

FISCAL IMPACT:

Based on 1981 production data, known tribal taxes would have resulted in a tax credit of approximately \$6.7 million for all severance taxes. (The Blackfeet tribal tax on oil and gas would have amounted to about \$500,000, and the Crow tribal tax on coal would have collected \$6.2 million.) Because other tribes could impose severance taxes on their mineral resources, this estimate of fiscal impact is conservative.

FISCAL NOTE 14:J/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-83

Approved by Committee  
on Natural Resources

1 Senate BILL NO. 406  
2 INTRODUCED BY Page  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE  
5 DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IN ITS  
6 REVIEW OF SUBDIVISIONS FROM THE MONTANA ENVIRONMENTAL POLICY  
7 ACT; TO PROVIDE THAT THE DEPARTMENT SHALL INSTEAD RELY ON  
8 THE ENVIRONMENTAL ASSESSMENT SUBMITTED UNDER THE MONTANA  
9 SUBDIVISION AND PLATTING ACT; AMENDING SECTIONS 75-1-201,  
10 76-3-603, 76-4-104, AND 76-4-129, MCA."

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

Section 1. Section 75-1-201, MCA, is amended to read:

\*75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this chapter;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on

1 man's environment;

2 (ii) identify and develop methods and procedures which

3 will insure that presently unquantified environmental

4 amenities and values may be given appropriate consideration

5 in decisionmaking along with economic and technical

6 considerations;

7 (iii) include in every recommendation or report on

8 proposals for projects, programs, legislation, and other

9 major actions of state government significantly affecting

10 the quality of the human environment, a detailed statement

11 on:

12 (A) the environmental impact of the proposed action;

13 (B) any adverse environmental effects which cannot be

14 avoided should the proposal be implemented;

15 (C) alternatives to the proposed action;

16 (D) the relationship between local short-term uses of

17 man's environment and the maintenance and enhancement of

18 long-term productivity; and

19 (E) any irreversible and irretrievable commitments of

20 resources which would be involved in the proposed action

21 should it be implemented;

22 (iv) study, develop, and describe appropriate

23 alternatives to recommend courses of action in any proposal

24 which involves unresolved conflicts concerning alternative

25 uses of available resources;

(v) recognize the national and long-range character of environmental problems and, where consistent with the policies of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize national cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(vi) make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(vii) initiate and utilize ecological information in the planning and development of resource-oriented projects; and

(viii) assist the environmental quality council established by 5-16-101; and

(c) prior to making any detailed statement as provided in subsection (1)(b)(iii), the responsible state official shall consult with and obtain the comments of any state agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate state, federal, and local agencies which are authorized to develop and enforce environmental standards shall be made available to the governor, the environmental quality council, and the public and shall accompany the proposal

through the existing agency review processes.

(2) The department of public service regulation, in the exercise of its regulatory authority over rates and charges of railroads, motor carriers, and public utilities, is exempt from the provisions of this chapter.

~~(3) The department of health and environmental sciences, in the exercise of its regulatory authority over subdivisions under Title 76, chapter 4, is exempt from the provisions of this chapter."~~

Section 2. Section 76-3-603, MCA, is amended to read:

"76-3-603. Contents of environmental assessment. Where required, the environmental assessment shall accompany the preliminary plat and shall include:

(1) a description of every body or stream of surface water as may be affected by the proposed subdivision, together with available groundwater information, and a description of the topography, vegetation, and wildlife use within the area of the proposed subdivision;

(2) maps and tables showing soil types in the several parts of the proposed subdivision and their suitability for any proposed developments in those several parts;

(3) a community impact report containing a statement of anticipated needs of the proposed subdivision for local services, including education and busing; roads and maintenance; water, sewage, and solid waste facilities; and

1 fire and police protection;

2 (4) such additional relevant and reasonable  
3 information as may be required by the governing body or by  
4 the department of health and environmental sciences under  
5 its authority provided in chapter 4, part 1, of this title."

6 Section 3. Section 76-4-104, MCA, is amended to read:

7 "76-4-104. Rules for administration and enforcement.

8 (1) The department shall adopt reasonable rules, including  
9 adoption of sanitary standards, necessary for administration  
10 and enforcement of this part.

11 (2) The rules and standards shall provide the basis  
12 for approving subdivision plats for various types of water,  
13 sewage facilities, and solid waste disposal, both public and  
14 private, and shall be related to size of lots, contour of  
15 land, porosity of soil, groundwater level, distance from  
16 lakes, streams, and wells, type and construction of private  
17 water and sewage facilities, and other factors affecting  
18 public health and the quality of water for uses relating to  
19 agriculture, industry, recreation, and wildlife.

20 (3) The rules shall further provide for:

21 (a) the furnishing to the department of a copy of the  
22 plat and other documentation showing the layout or plan of  
23 development, including:

24 (i) total development area;

25 (ii) total number of proposed dwelling units;

1 (b) adequate evidence that a water supply that is  
2 sufficient in terms of quality, quantity, and dependability  
3 will be available to ensure an adequate supply of water for  
4 the type of subdivision proposed;

5 (c) evidence concerning the potability of the proposed  
6 water supply for the subdivision;

7 (d) adequate evidence that a sewage disposal facility  
8 is sufficient in terms of capacity and dependability;

9 (e) standards and technical procedures applicable to  
10 storm drainage plans and related designs, in order to insure  
11 proper drainage ways;

12 (f) standards and technical procedures applicable to  
13 sanitary sewer plans and designs, including soil percolation  
14 testing and required percolation rates and site design  
15 standards for on-lot sewage disposal systems when  
16 applicable;

17 (g) standards and technical procedures applicable to  
18 water systems;

19 (h) standards and technical procedures applicable to  
20 solid waste disposal;

21 (i) requiring evidence to establish that, if a public  
22 sewage disposal system is proposed, provision has been made  
23 for the system and, if other methods of sewage disposal are  
24 proposed, evidence that the systems will comply with state  
25 and local laws and regulations which are in effect at the

time of submission of the preliminary or final plan or plat.

~~(4) The rules must specify that the department in its review of subdivisions under this chapter is exempt from the requirements of the Montana Environmental Policy Act as provided in 75-1-201(3) and that the department shall instead rely on information submitted by the subdivider under 76-3-603. The rules must also specify that the subdivider shall submit a copy of the environmental assessment to the department."~~

Section 4. Section 76-4-129, MCA, is amended to read:

"76-4-129. Joint application form and concurrent review. (1) Within 90 days after July 1, 1977, the department shall prepare and distribute a joint application form that can be used by an applicant to apply for approval of a subdivision under the provisions of this part and the provisions of chapter 3. ~~When an application including the environmental assessment provided for in 76-3-504 and 76-3-603,~~ is received by either the department or a local government, the department or local government is responsible for forwarding the appropriate parts of the application to the other entity.

(2) The review required by this part and the provisions of chapter 3 shall occur concurrently.

~~(3) The environmental assessment provided for in 76-3-603 must serve as the primary source of information~~

~~from the subdivider upon which the department and the local government shall base their review and decisions under this part and chapter 3."~~

-End-

*Senate* BILL NO. 406

INTRODUCED BY *Rogers*

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXEMPT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES IN ITS REVIEW OF SUBDIVISIONS FROM THE MONTANA ENVIRONMENTAL POLICY ACT; TO PROVIDE THAT THE DEPARTMENT SHALL INSTEAD RELY ON THE ENVIRONMENTAL ASSESSMENT SUBMITTED UNDER THE MONTANA SUBDIVISION AND PLATTING ACT; AMENDING SECTIONS 75-1-201, 76-3-603, 76-4-104, AND 76-4-129, MCA."

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

Section 1. Section 75-1-201, MCA, is amended to read:

"75-1-201. General directions -- environmental impact statements. (1) The legislature authorizes and directs that, to the fullest extent possible:

(a) the policies, regulations, and laws of the state shall be interpreted and administered in accordance with the policies set forth in this chapter;

(b) all agencies of the state, except as provided in subsection (2), shall:

(i) utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decisionmaking which may have an impact on

man's environment;

(ii) identify and develop methods and procedures which will insure that presently unquantified environmental amenities and values may be given appropriate consideration in decisionmaking along with economic and technical considerations;

(iii) include in every recommendation or report on proposals for projects, programs, legislation, and other major actions of state government significantly affecting the quality of the human environment, a detailed statement on:

(A) the environmental impact of the proposed action;

(B) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(C) alternatives to the proposed action;

(D) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(E) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(iv) study, develop, and describe appropriate alternatives to recommend courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;



1 (v) recognize the national and long-range character of  
2 environmental problems and, where consistent with the  
3 policies of the state, lend appropriate support to  
4 initiatives, resolutions, and programs designed to maximize  
5 national cooperation in anticipating and preventing a  
6 decline in the quality of mankind's world environment;

7 (vi) make available to counties, municipalities,  
8 institutions, and individuals advice and information useful  
9 in restoring, maintaining, and enhancing the quality of the  
10 environment;

11 (vii) initiate and utilize ecological information in  
12 the planning and development of resource-oriented projects;  
13 and

14 (viii) assist the environmental quality council  
15 established by 5-16-101; and

16 (c) prior to making any detailed statement as provided  
17 in subsection (1)(b)(iii), the responsible state official  
18 shall consult with and obtain the comments of any state  
19 agency which has jurisdiction by law or special expertise  
20 with respect to any environmental impact involved. Copies of  
21 such statement and the comments and views of the appropriate  
22 state, federal, and local agencies which are authorized to  
23 develop and enforce environmental standards shall be made  
24 available to the governor, the environmental quality  
25 council, and the public and shall accompany the proposal

1 through the existing agency review processes.

2 (2) The department of public service regulation, in  
3 the exercise of its regulatory authority over rates and  
4 charges of railroads, motor carriers, and public utilities,  
5 is exempt from the provisions of this chapter.

6 ~~(3) The department of health and environmental~~  
7 ~~sciences, in the exercise of its regulatory authority over~~  
8 ~~subdivisions under Title 76, chapter 4, is exempt from the~~  
9 ~~provisions of this chapter."~~

10 Section 2. Section 76-3-603, MCA, is amended to read:

11 "76-3-603. Contents of environmental assessment. Where  
12 required, the environmental assessment shall accompany the  
13 preliminary plat and shall include:

14 (1) a description of every body or stream of surface  
15 water as may be affected by the proposed subdivision,  
16 together with available groundwater information, and a  
17 description of the topography, vegetation, and wildlife use  
18 within the area of the proposed subdivision;

19 (2) maps and tables showing soil types in the several  
20 parts of the proposed subdivision and their suitability for  
21 any proposed developments in those several parts;

22 (3) a community impact report containing a statement  
23 of anticipated needs of the proposed subdivision for local  
24 services, including education and busing; roads and  
25 maintenance; water, sewage, and solid waste facilities; and

1 fire and police protection;

2 (4) such additional relevant and reasonable  
3 information as may be required by the governing body ~~or by~~  
4 ~~the department of health and environmental sciences under~~  
5 ~~its authority provided in chapter 4, part 1, of this title."~~

6 Section 3. Section 76-4-104, MCA, is amended to read:

7 "76-4-104. Rules for administration and enforcement.

8 (1) The department shall adopt reasonable rules, including  
9 adoption of sanitary standards, necessary for administration  
10 and enforcement of this part.

11 (2) The rules and standards shall provide the basis  
12 for approving subdivision plats for various types of water,  
13 sewage facilities, and solid waste disposal, both public and  
14 private, and shall be related to size of lots, contour of  
15 land, porosity of soil, groundwater level, distance from  
16 lakes, streams, and wells, type and construction of private  
17 water and sewage facilities, and other factors affecting  
18 public health and the quality of water for uses relating to  
19 agriculture, industry, recreation, and wildlife.

20 (3) The rules shall further provide for:

21 (a) the furnishing to the department of a copy of the  
22 plat and other documentation showing the layout or plan of  
23 development, including:

24 (i) total development area;

25 (ii) total number of proposed dwelling units;

1 (b) adequate evidence that a water supply that is  
2 sufficient in terms of quality, quantity, and dependability  
3 will be available to ensure an adequate supply of water for  
4 the type of subdivision proposed;

5 (c) evidence concerning the potability of the proposed  
6 water supply for the subdivision;

7 (d) adequate evidence that a sewage disposal facility  
8 is sufficient in terms of capacity and dependability;

9 (e) standards and technical procedures applicable to  
10 storm drainage plans and related designs, in order to insure  
11 proper drainage ways;

12 (f) standards and technical procedures applicable to  
13 sanitary sewer plans and designs, including soil percolation  
14 testing and required percolation rates and site design  
15 standards for on-lot sewage disposal systems when  
16 applicable;

17 (g) standards and technical procedures applicable to  
18 water systems;

19 (h) standards and technical procedures applicable to  
20 solid waste disposal;

21 (i) requiring evidence to establish that, if a public  
22 sewage disposal system is proposed, provision has been made  
23 for the system and, if other methods of sewage disposal are  
24 proposed, evidence that the systems will comply with state  
25 and local laws and regulations which are in effect at the

1 time of submission of the preliminary or final plan or plat.  
2 ~~(4) The rules must specify that the department in its~~  
3 ~~review of subdivisions under this chapter is exempt from the~~  
4 ~~requirements of the Montana Environmental Policy Act as~~  
5 ~~provided in 75-1-201(3) and that the department shall~~  
6 ~~instead rely on information submitted by the subdivider~~  
7 ~~under 76-3-603. The rules must also specify that the~~  
8 ~~subdivider shall submit a copy of the environmental~~  
9 ~~assessment to the department."~~

10 Section 4. Section 76-4-129, MCA, is amended to read:  
11 "76-4-129. Joint application form and concurrent  
12 review. (1) Within 90 days after July 1, 1977, the  
13 department shall prepare and distribute a joint application  
14 form that can be used by an applicant to apply for approval  
15 of a subdivision under the provisions of this part and the  
16 provisions of chapter 3. When an application, ~~including the~~  
17 ~~environmental assessment provided for in 76-3-504 and~~  
18 ~~76-3-603,~~ is received by either the department or a local  
19 government, the department or local government is  
20 responsible for forwarding the appropriate parts of the  
21 application to the other entity.

22 (2) The review required by this part and the  
23 provisions of chapter 3 shall occur concurrently.

24 ~~(3) The environmental assessment provided for in~~  
25 ~~76-3-503 must serve as the primary source of information~~

1 ~~from the subdivider upon which the department and the local~~  
2 ~~government shall base their review and decisions under this~~  
3 ~~part and chapter 3."~~

-End-