

SENATE BILL NO. 379

INTRODUCED BY WEEDING, TOWE, GAGE, D. MANNING

IN THE SENATE

January 9, 1985	On motion, rules suspended to add Senator Dave Manning as an additional sponsor. Motion adopted.
February 11, 1985	Introduced and referred to Committee on Taxation.
February 19, 1985	Fiscal Note requested.
February 21, 1985	Committee recommend bill do pass. Report adopted.
February 22, 1985	Bill printed and placed on members' desks. Fiscal Note returned.
February 23, 1985	Second reading, do pass.
February 25, 1985	Considered correctly engrossed. Third reading, passed. Ayes, 48; Noes, 0. Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Taxation.
March 18, 1985	Committee recommend bill be concurred in. Report adopted.
March 20, 1985	Second reading, pass consideration.

March 21, 1985	On motion, taken from second reading and rereferred to Committee on Appropriations.
March 30, 1985	On motion, taken from Committee on Appropriations and rereferred to second reading.
April 1, 1985	Second reading, pass consideration.
April 3, 1985	Motion pass consideration.
April 10, 1985	On motion, taken from Speaker's desk and rereferred to second reading.
April 11, 1985	Second reading, concurred in.
April 13, 1985	Third reading, concurred in. Returned to Senate.

IN THE SENATE

April 15, 1985	Received from House. Sent to enrolling. Reported correctly enrolled.
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Senate BILL NO. *379*
Leeds

1 INTRODUCTION BY _____
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4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE COAL BOARD
5 TO MAKE GRANTS FOR CERTAIN HIGHWAY CONSTRUCTION, REPAIR, AND
6 MAINTENANCE; AMENDING SECTIONS 90-6-205, 90-6-207, AND
7 90-6-209, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

10 Section 1. Section 90-6-205, MCA, is amended to read:
11 "90-6-205. Coal board -- general powers. The board
12 may:

- 13 (1) retain professional consultants and advisors;
- 14 (2) adopt rules governing its proceedings;
- 15 (3) consider applications for grants from the local
16 impact and education trust fund account;
- 17 (4) consider applications for loans from the local
18 impact and education trust fund account for periods and
19 interest rates to be determined by the board; and
- 20 (5) award grants and loans, subject to 90-6-207, not
21 to exceed in any one year seven-elevenths and after June 30,
22 1979, seven-fifteenths of the revenue paid into the local
23 impact and education trust fund account;

24 (a) to local governmental units, state agencies, and
25 governing bodies of federally recognized Indian tribes to

1 assist local governmental units and federally recognized
2 Indian tribes in meeting the local impact of coal
3 development by enabling them to adequately provide
4 governmental services and facilities which are needed as a
5 direct consequence of coal development; and

6 (b) notwithstanding the provisions of 90-6-207, to the
7 department of highways established in 2-15-2501 to expedite
8 the construction, repair, and maintenance of deficient
9 sections of highway within the area designated in 90-6-210
10 if the deficiency is the direct result of increased traffic
11 accompanying the development of coal resources; and

12 (c) As provided that as used in the preceding sentence
13 this subsection (5), "revenue paid" does not include
14 interest income from the account reinvested in the account
15 in trust for the public schools and the university system.
16 Grants and loans may be from current allocations only, and
17 no part of the principal or income of the trust referred to
18 in 90-6-211 may be used for this purpose. The money derived
19 from loan repayments, including the interest thereon, must
20 be deposited to the credit of the local impact fund, referred
21 to in 90-6-202.

22 (6) award a grant to a local government unit for the
23 purpose of paying for part or all of the credit that the
24 local government unit is obligated to give to a major new
25 industrial facility that has prepaid property taxes under



1 15-16-201. The board must award the grant in accordance with
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9 estimated population of at least 10% over one of the 3-year
10 periods specified in subsection (2). The Except as provided
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12 appropriations of the legislature, award at least 50% of all
13 grants awarded to governmental units and state agencies for
14 meeting the needs caused by coal development each year to
15 these designated governmental units.

16 (2) For the purposes of subsection (1), the department
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19 years prior to the current calendar year;

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21 pursuant to 90-6-205(5)(b), and Indian tribes may not exceed
22 7% of the total money allocated to the board during each
23 fiscal year.

24 (2) (a) No loan may be approved by the board if the
25 source of money for repayment would be derived from property

1 taxes.

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3 board may not exceed 20 years.

4 (c) The board shall hold all loan contracts within its
5 administrative offices. The board may not sell, assign, or
6 pledge a loan contract to any other entity.

7 (d) A local government unit or the governing body of a
8 federally recognized Indian tribe receiving a loan from the
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10 year of the date of the board's final approval of the loan.

11 (e) If a local government unit or the governing body
12 of a federally recognized Indian tribe fails to comply with
13 subsection ~~(4)~~ (2)(d), the entire loan must be repaid within
14 30 days following expiration of the 1-year period.

15 (3) No loan or grant to an Indian tribe under 90-6-205
16 may be approved by the board unless, with respect to that
17 loan or grant:

18 (a) the governing body of the tribe has agreed:

19 (i) to waive its immunity from suit on any issue
20 specifically arising from the transaction of a loan or grant
21 obtained under this part; and

22 (ii) to the adjudication of any dispute arising out of
23 the loan or grant transaction in the district court of the
24 first judicial district of the state of Montana; and

25 (b) approval of the transaction has been obtained from

1 the secretary of the United States department of the
2 interior whenever such approval is necessary."

3 NEW SECTION. Section 4. Extension of authority. Any
4 existing authority of the coal board to make rules on the
5 subject of the provisions of this act is extended to the
6 provisions of this act.

7 NEW SECTION. Section 5. Effective date. This act is
8 effective on passage and approval.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 476-85

Form BD-15

In compliance with a written request received February 19, 19 85, there is hereby submitted a Fiscal Note for S.B. 379 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:

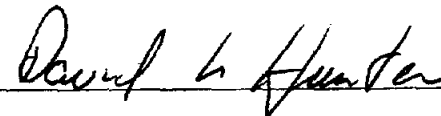
Senate Bill 379 is an act to allow the Coal Board to make grants for highway construction, repair, and maintenance; amending sections and providing for an immediate effective date.

FISCAL IMPACT:

This legislation will have no fiscal impact either on the revenues or expenditures of the Local Impact Assistance Program administered by the Coal Board.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

1. This legislation would have an effect on local governmental units that are impacted by coal development if the Coal Board chose to award all their grant monies to highway construction, repair and maintenance projects through the Department of Highways.
2. This legislation will result in a lower amount of funds being reverted to the educational trust fund because more eligible projects would be available for funding by the Coal Board.



BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 22, 1985

SB 379

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2 INTRODUCED BY Clayton Davis

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- 20 (5) award grants and loans, subject to 90-6-207, not
21 to exceed in any one year seven-elevenths and after June 30,
22 1979, seven-fifteenths of the revenue paid into the local
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5 direct consequence of coal development; and

6 (b) notwithstanding the provisions of 90-6-207, to the
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8 the construction, repair, and maintenance of deficient
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17 loan or grant:

18 (a) the governing body of the tribe has agreed:

19 (i) to waive its immunity from suit on any issue
20 specifically arising from the transaction of a loan or grant
21 obtained under this part; and

22 (ii) to the adjudication of any dispute arising out of
23 the loan or grant transaction in the district court of the
24 first judicial district of the state of Montana; and

25 (b) approval of the transaction has been obtained from

1 the secretary of the United States department of the
2 interior whenever such approval is necessary."

3 NEW SECTION. Section 4. Extension of authority. Any
4 existing authority of the coal board to make rules on the
5 subject of the provisions of this act is extended to the
6 provisions of this act.

7 NEW SECTION. Section 5. Effective date. This act is
8 effective on passage and approval.

-End-