

HOUSE BILL NO. 420

INTRODUCED BY KOEHNKE, GALT, SCHYE, WESTLAKE, DEMARS

IN THE HOUSE

JANUARY 25, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
JANUARY 26, 1989	FIRST READING.
FEBRUARY 28, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 1, 1989	PRINTING REPORT.
MARCH 2, 1989	SECOND READING, DO PASS.
MARCH 3, 1989	ENGROSSING REPORT.
MARCH 4, 1989	THIRD READING, PASSED. AYES, 80; NOES, 11.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON TAXATION.
	FIRST READING.
MARCH 31, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 1, 1989	PASS CONSIDERATION.
APRIL 3, 1989	SECOND READING, CONCURRED IN.
APRIL 5, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1989

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 11, 1989

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 420
 2 INTRODUCED BY Fechenke Wall Salge
 3 Wattlake Demaree

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE TAX
 5 INCENTIVE FOR THE PRODUCTION OF ALCOHOL THAT IS BLENDED OR
 6 IS TO BE BLENDED AS GASOHOL; AMENDING SECTION 15-70-522,
 7 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A
 8 CONTINGENT RETROACTIVE APPLICABILITY DATE."

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

11 **Section 1.** Section 15-70-522, MCA, is amended to read:

12 "15-70-522. Tax incentive for production of alcohol.

13 (1) (a) Provided the alcohol was produced in Montana from
 14 Montana agricultural products, including Montana wood or
 15 wood products, there is a tax incentive payable to alcohol
 16 distributors for distilling alcohol that:

17 (i) was blended with gasoline for sale as gasohol in
 18 Montana; or

19 (ii) was exported from Montana and has been blended
 20 with gasoline for sale as gasohol.

21 (b) Payment shall be made by the department of revenue
 22 out of the amount collected under 15-70-204.

23 (2) Except as provided in subsections (3) through (5),
 24 the tax incentive on each gallon of alcohol distilled in
 25 accordance with subsection (1) is:

1 (a) beginning July 1, 1983, 70 cents per gallon;
 2 (b) beginning April 1, 1985, 50 cents per gallon;
 3 (c) beginning April 1, 1987, 30 cents per gallon; and
 4 (d) beginning April 1, ~~1989~~ 1993, and thereafter,
 5 there is no tax incentive.

6 (3) The incentive schedule provided for in subsection
 7 (2) shall be modified in response to market conditions as
 8 follows:

9 (a) If for any 2 consecutive calendar quarters ending
 10 on or before September 30, 1984, the gallons of gasohol sold
 11 or that have received the benefit of the tax incentive
 12 during those quarters comprise 8% or more but less than 11%
 13 of the total gallons of nonaviation gasoline and gasohol
 14 sold in Montana, the tax incentive for alcohol shall be 50
 15 cents per gallon, effective beginning the second calendar
 16 quarter after the 2 consecutive calendar quarters during
 17 which the gallons of gasohol sold or that have received the
 18 benefit of the tax incentive during those quarters comprised
 19 8% or more but less than 11% of the total gallons of
 20 nonaviation gasoline and gasohol sold in Montana.

21 (b) If for any 2 consecutive calendar quarters ending
 22 on or before September 30, 1986, the gallons of gasohol sold
 23 or that have received the benefit of the tax incentive
 24 during those quarters comprise 11% or more but less than 18%
 25 of the total gallons of nonaviation gasoline and gasohol

1 sold in Montana, the tax incentive for alcohol shall be 30
 2 cents per gallon effective beginning the second calendar
 3 quarter after the 2 consecutive calendar quarters during
 4 which the gallons of gasohol sold or that have received the
 5 benefit of the tax incentive during those quarters comprised
 6 11% or more but less than 18% of the total gallons of
 7 nonaviation gasoline and gasohol sold in Montana.

8 (c) If for any 2 consecutive calendar quarters ending
 9 on or before September 30, 1988, the gallons of gasohol sold
 10 or that have received the benefit of the tax incentive
 11 during those quarters comprise 18% or more of the total
 12 gallons of nonaviation gasoline and gasohol sold in Montana,
 13 the tax incentive for alcohol shall be eliminated effective
 14 beginning the second calendar quarter after the 2
 15 consecutive quarters during which the gallons of gasohol
 16 sold or that have received the benefit of the tax incentive
 17 during those quarters comprised 18% or more of the total
 18 gallons of nonaviation gasoline and gasohol sold in Montana.

19 (d) Each quarter, the department shall compute the
 20 share of the total nonaviation gasoline and gasohol market
 21 that is represented by gasohol, according to the information
 22 contained in gasoline distributors' returns and the
 23 applications for payment of the alcohol production tax
 24 incentive. Alcohol that is exported from Montana and
 25 eligible for the tax incentive must be included in the

1 computations.

2 (4) Regardless of the alcohol tax incentive provided
 3 in subsection (2) or (3), the total payments made for the
 4 incentive under this part may not exceed \$2,500,000 in any
 5 consecutive 12-month period beginning April 1, 1985.

6 (5) No alcohol distributor may receive tax incentive
 7 payments under subsection (2) that exceed \$1,000,000 in any
 8 consecutive 12-month period beginning April 1, 1985, except
 9 as follows. If total tax incentive payments to all eligible
 10 alcohol distributors in any consecutive 12-month period
 11 beginning April 1, 1985, do not reach the percentage of
 12 production maximums in subsection (3) or the maximum dollar
 13 amount in subsection (4), an alcohol distributor who has
 14 received the maximum payment of \$1,000,000 as herein
 15 provided may receive additional tax incentive payments
 16 subject to the percentage of production maximums in
 17 subsection (3) or the maximum dollar amount in subsection
 18 (4)."

19 NEW SECTION. **Section 2.** Extension of authority. Any
 20 existing authority to make rules on the subject of the
 21 provisions of [this act] is extended to the provisions of
 22 [this act].

23 NEW SECTION. **Section 3.** Effective date. [This act] is
 24 effective on passage and approval.

25 NEW SECTION. **Section 4.** Contingent retroactive

LC 1136/01

1 applicability. If [this act] is passed and approved after
2 April 1, 1989, the provisions of [this act] apply
3 retroactively, within the meaning of 1-2-109, to April 1,
4 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB420, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to extend the tax incentive for the production of alcohol that is blended or is to be blended as gasohol; providing an immediate effective date and a contingent retroactive applicability date.

ASSUMPTIONS:

1. The Revenue Estimating Advisory Council's estimates of gasoline tax receipts and gasohol production provide the basis for comparison.
2. Net Department of Highways receipts will be \$77,709,000 in FY90 and \$76,576,000 in FY91.
3. Gasohol incentive payments will be \$186,000 for each year of the biennium as estimated by REAC for FY89.

FISCAL IMPACT:Revenue Impact:

	FY90			FY91		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
Gasoline Tax-Dept. of						
Highways Net Receipts	\$77,709,000	\$77,523,000	(\$186,000)	\$76,576,000	\$76,390,000	(\$186,000)

Expenditure Impact:

The department expenditures associated with this proposal would be minimal.

Ray Shackelford 2/2/89
 RAY/SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Francis Koehnke 3/3/89
 FRANCIS KOEHNKE, PRIMARY SPONSOR DATE

Fiscal Note for HB420, as introduced

HB 420

APPROVED BY COMMITTEE
ON TAXATION

HOUSE BILL NO. 420

INTRODUCED BY KOEHNKE, GALT, SCHYE, WESTLAKE, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE TAX INCENTIVE FOR THE PRODUCTION OF ALCOHOL THAT IS BLENDED OR IS TO BE BLENDED AS GASOHOL; AMENDING SECTION 15-70-522, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 15-70-522, MCA, is amended to read:**"15-70-522. Tax incentive for production of alcohol.**

(1) (a) Provided the alcohol was produced in Montana from Montana agricultural products, including Montana wood or wood products, there is a tax incentive payable to alcohol distributors for distilling alcohol that:

(i) was blended with gasoline for sale as gasohol in Montana; or

(ii) was exported from Montana and has been blended with gasoline for sale as gasohol.

(b) Payment shall be made by the department of revenue out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) through (5), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is:

(a) beginning July 1, 1983, 70 cents per gallon;

(b) beginning April 1, 1985, 50 cents per gallon;

(c) beginning April 1, 1987, 30 cents per gallon; and

(d) beginning April ~~JULY~~ 1, 1989 ~~1993~~ 1991, and thereafter, there is no tax incentive.

(3) The incentive schedule provided for in subsection (2) shall be modified in response to market conditions as follows:

(a) If for any 2 consecutive calendar quarters ending on or before September 30, 1984, the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprise 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold in Montana, the tax incentive for alcohol shall be 50 cents per gallon, effective beginning the second calendar quarter after the 2 consecutive calendar quarters during which the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprised 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold in Montana.

(b) If for any 2 consecutive calendar quarters ending on or before September 30, 1986, the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprise 11% or more but less than 18% of the total gallons of nonaviation gasoline and gasohol

1 sold in Montana, the tax incentive for alcohol shall be 30
2 cents per gallon effective beginning the second calendar
3 quarter after the 2 consecutive calendar quarters during
4 which the gallons of gasohol sold or that have received the
5 benefit of the tax incentive during those quarters comprised
6 11% or more but less than 18% of the total gallons of
7 nonaviation gasoline and gasohol sold in Montana.

8 (c) If for any 2 consecutive calendar quarters ending
9 on or before September 30, 1988, the gallons of gasohol sold
10 or that have received the benefit of the tax incentive
11 during those quarters comprise 18% or more of the total
12 gallons of nonaviation gasoline and gasohol sold in Montana,
13 the tax incentive for alcohol shall be eliminated effective
14 beginning the second calendar quarter after the 2
15 consecutive quarters during which the gallons of gasohol
16 sold or that have received the benefit of the tax incentive
17 during those quarters comprised 18% or more of the total
18 gallons of nonaviation gasoline and gasohol sold in Montana.

19 (d) Each quarter, the department shall compute the
20 share of the total nonaviation gasoline and gasohol market
21 that is represented by gasohol, according to the information
22 contained in gasoline distributors' returns and the
23 applications for payment of the alcohol production tax
24 incentive. Alcohol that is exported from Montana and
25 eligible for the tax incentive must be included in the

1 computations.

2 (4) Regardless of the alcohol tax incentive provided
3 in subsection (2) or (3), the total payments made for the
4 incentive under this part may not exceed ~~\$2,500,000~~
5 \$1,250,000 in any consecutive 12-month period beginning
6 April 1, 1985.

7 (5) No alcohol distributor may receive tax incentive
8 payments under subsection (2) that exceed \$1,000,000 in any
9 consecutive 12-month period beginning April 1, 1985, except
10 as follows. If total tax incentive payments to all eligible
11 alcohol distributors in any consecutive 12-month period
12 beginning April 1, 1985, do not reach the percentage of
13 production maximums in subsection (3) or the maximum dollar
14 amount in subsection (4), an alcohol distributor who has
15 received the maximum payment of \$1,000,000 as herein
16 provided may receive additional tax incentive payments
17 subject to the percentage of production maximums in
18 subsection (3) or the maximum dollar amount in subsection
19 (4)."

20 NEW SECTION. **Section 2.** Extension of authority. Any
21 existing authority to make rules on the subject of the
22 provisions of [this act] is extended to the provisions of
23 [this act].

24 NEW SECTION. **Section 3.** Effective date. [This act] is
25 effective on passage and approval.

1 NEW SECTION. **Section 4.** Contingent retroactive
2 applicability. If [this act] is passed and approved after
3 April 1, 1989, the provisions of [this act] apply
4 retroactively, within the meaning of 1-2-109, to April 1,
5 1989.

-End-

HOUSE BILL NO. 420

INTRODUCED BY KOEHNKE, GALT, SCHYE, WESTLAKE, DEMARS

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

Section 1. Section 15-70-522, MCA, is amended to read:**"15-70-522. Tax incentive for production of alcohol.**

(1) (a) Provided the alcohol was produced in Montana from Montana agricultural products, including Montana wood or wood products, there is a tax incentive payable to alcohol distributors for distilling alcohol that:

(i) was blended with gasoline for sale as gasohol in Montana; or

(ii) was exported from Montana and has been blended with gasoline for sale as gasohol.

(b) Payment shall be made by the department of revenue out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) through (5), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is:

(a) beginning July 1, 1983, 70 cents per gallon;

(b) beginning April 1, 1985, 50 cents per gallon;

(c) beginning April 1, 1987, 30 cents per gallon; and

(d) beginning ~~April~~ JULY 1, ~~1989~~ 1993 1991, and thereafter, there is no tax incentive.

(3) The incentive schedule provided for in subsection (2) shall be modified in response to market conditions as follows:

(a) If for any 2 consecutive calendar quarters ending on or before September 30, 1984, the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprise 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold in Montana, the tax incentive for alcohol shall be 50 cents per gallon, effective beginning the second calendar quarter after the 2 consecutive calendar quarters during which the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprised 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold in Montana.

(b) If for any 2 consecutive calendar quarters ending on or before September 30, 1986, the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprise 11% or more but less than 18% of the total gallons of nonaviation gasoline and gasohol

1 sold in Montana, the tax incentive for alcohol shall be 30
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 3 quarter after the 2 consecutive calendar quarters during
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 24 incentive. Alcohol that is exported from Montana and
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2 (4) Regardless of the alcohol tax incentive provided
 3 in subsection (2) or (3), the total payments made for the
 4 incentive under this part may not exceed \$2,500,000
 5 \$1,250,000 in any consecutive 12-month period beginning
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 15 received the maximum payment of \$1,000,000 as herein
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 17 subject to the percentage of production maximums in
 18 subsection (3) or the maximum dollar amount in subsection
 19 (4)."

20 NEW SECTION. **Section 2.** Extension of authority. Any
 21 existing authority to make rules on the subject of the
 22 provisions of [this act] is extended to the provisions of
 23 [this act].

24 NEW SECTION. **Section 3.** Effective date. [This act] is
 25 effective on passage and approval.

HB 0420/02

1 NEW SECTION. **Section 4.** Contingent retroactive
2 applicability. If [this act] is passed and approved after
3 April 1, 1989, the provisions of [this act] apply
4 retroactively, within the meaning of 1-2-109, to April 1,
5 1989.

-End-

SENATE STANDING COMMITTEE REPORT

March 31, 1989

MR. PRESIDENT:

We, your committee on Taxation, having had under consideration HB 420 (third reading copy -- blue), respectfully report that HB 420 be amended and as so amended be concurred in:

Sponsor: Koehnke (Rapp-Svrcek)

1. Page 2, line 4.

Strike: "1991"

Insert: "1993"

AND AS AMENDED BE CONCURRED IN

Signed: _____


Bob Brown, Chairman

SENATE

HB 420

HOUSE BILL NO. 420

INTRODUCED BY KOEHNKE, GALT, SCHYE, WESTLAKE, DEMARS

A BILL FOR AN ACT ENTITLED: "AN ACT TO EXTEND THE TAX INCENTIVE FOR THE PRODUCTION OF ALCOHOL THAT IS BLENDED OR IS TO BE BLENDED AS GASOHOL; AMENDING SECTION 15-70-522, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A CONTINGENT RETROACTIVE APPLICABILITY DATE."

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(ii) was exported from Montana and has been blended with gasoline for sale as gasohol.

(b) Payment shall be made by the department of revenue out of the amount collected under 15-70-204.

(2) Except as provided in subsections (3) through (5), the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is:

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(b) If for any 2 consecutive calendar quarters ending on or before September 30, 1986, the gallons of gasohol sold or that have received the benefit of the tax incentive during those quarters comprise 11% or more but less than 18% of the total gallons of nonaviation gasoline and gasohol

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3 quarter after the 2 consecutive calendar quarters during
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24 incentive. Alcohol that is exported from Montana and
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1 computations.

2 (4) Regardless of the alcohol tax incentive provided
3 in subsection (2) or (3), the total payments made for the
4 incentive under this part may not exceed \$2,500,000
5 \$1,250,000 in any consecutive 12-month period beginning
6 April 1, 1985.

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8 payments under subsection (2) that exceed \$1,000,000 in any
9 consecutive 12-month period beginning April 1, 1985, except
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14 amount in subsection (4), an alcohol distributor who has
15 received the maximum payment of \$1,000,000 as herein
16 provided may receive additional tax incentive payments
17 subject to the percentage of production maximums in
18 subsection (3) or the maximum dollar amount in subsection
19 (4)."

20 **NEW SECTION. Section 2. Extension of authority.** Any
21 existing authority to make rules on the subject of the
22 provisions of [this act] is extended to the provisions of
23 [this act].

24 **NEW SECTION. Section 3. Effective date.** [This act] is
25 effective on passage and approval.

HB 0420/03

1 NEW SECTION. **Section 4.** Contingent retroactive
2 applicability. If [this act] is passed and approved after
3 April 1, 1989, the provisions of [this act] apply
4 retroactively, within the meaning of 1-2-109, to April 1,
5 1989.

-End-