

1 HOUSE BILL NO. 572

2 INTRODUCED BY K. BALES, GROSFIELD, SHEA, WOLERY

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COAL BED METHANE PROTECTION ACCOUNT;
 5 CLARIFYING THE DISTRIBUTION OF OIL AND NATURAL GAS PRODUCTION TAXES; DEPOSITING A
 6 PORTION OF THE ~~RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX~~ OIL AND NATURAL
 7 GAS PRODUCTION TAX IN THE COAL BED METHANE PROTECTION ACCOUNT; RESTRICTING
 8 EXPENDITURES FROM THE ACCOUNT UNTIL AFTER JUNE 30, 2005, FOR EMERGENCIES AND UNTIL
 9 AFTER JUNE 30, 2011, FOR ALL OTHER PURPOSES; CREATING A COAL BED METHANE PROTECTION
 10 PROGRAM TO COMPENSATE LANDOWNERS AND WATER RIGHT HOLDERS FOR DAMAGE CAUSED BY
 11 THE DEVELOPMENT OF COAL BED METHANE; AUTHORIZING CONSERVATION DISTRICTS THAT HAVE
 12 COAL BED METHANE WITHIN THE DISTRICT TO ADMINISTER THE COAL BED METHANE PROTECTION
 13 PROGRAM; REQUIRING CONSERVATION DISTRICTS TO ADOPT PROCEDURES FOR EVALUATING
 14 CLAIMS FOR COMPENSATION; LIMITING THE AMOUNT OF COMPENSATION; RESTRICTING THE
 15 AWARD OF COMPENSATION UNTIL AFTER JUNE 30, 2005, FOR EMERGENCIES AND UNTIL AFTER
 16 JUNE 30, 2011, FOR ALL OTHER PURPOSES; AMENDING SECTION ~~15-38-106~~ 15-36-324, MCA; AND
 17 PROVIDING A CONTINGENT EFFECTIVE DATE AND A TERMINATION DATE."

18

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

20

21 NEW SECTION. Section 1. Short title. [Sections 1 through 5] may be cited as the "Coal Bed
 22 Methane Protection Act".

23

24 NEW SECTION. Section 2. Legislative findings and declaration of purpose. (1) The legislature finds
 25 that the need for an economical supply of clean-burning energy is a national and state priority.

26 (2) The legislature further finds that Montana possesses plentiful reserves of clean-burning natural
 27 gas contained in coal beds.

28 (3) The legislature further finds that the extraction of natural gas from coal beds may result in
 29 unanticipated adverse impacts to land and to water quality and availability.

30 (4) The legislature declares that there is a compelling public need to promote efforts that preserve

1 the environment and protect the right to use and enjoy private property. The legislature further declares
 2 that the purpose of [sections 1 through 5] is to establish a long-term coal bed methane protection account
 3 and a coal bed methane protection program for the purpose of compensating private landowners and water
 4 right holders for damage to land and to water quality and availability that is attributable to the development
 5 of coal bed methane wells.

6 (5) The legislature further declares that the provisions of [sections 1 through 5] do not relieve coal
 7 bed methane developers or operators that own, develop, or operate coal bed methane wells and collection
 8 systems of their legal obligation to compensate landowners and water right holders for damages caused
 9 by the development of coal bed methane.

10 (6) THE LEGISLATURE FURTHER DECLARES THAT THE PROVISIONS OF [SECTIONS 1 THROUGH 5] DO NOT RELIEVE
 11 COAL BED METHANE DEVELOPERS OR OPERATORS FROM:

12 (A) ANY LIABILITY ASSOCIATED WITH THE EXPLORATION OR DEVELOPMENT OF COAL BED METHANE; OR

13 (B) THE RESPONSIBILITY TO COMPLY WITH ANY APPLICABLE PROVISION OF TITLES 75, 82, AND 85 AND ANY
 14 OTHER PROVISION OF LAW APPLICABLE TO THE PROTECTION OF NATURAL RESOURCES OR THE ENVIRONMENT.

15

16 NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5], unless the context
 17 requires otherwise, the following definitions apply:

18 (1) "Agricultural production" means the production of:

19 (a) any growing grass, crops, or trees attached to the surface of the land; or

20 (b) farm animals with commercial value.

21 (2) "Coal bed methane developer or operator" means the person who acquires a lease for the
 22 purpose of extracting natural gas from a coal bed.

23 (3) "Department" means the department of natural resources and conservation as provided for
 24 in Title 2, chapter 15, part 33.

25 (4) "Emergency" means the loss of a water supply that must be replaced immediately to avoid
 26 substantial damage to a landowner or a water right holder.

27

28 NEW SECTION. Section 4. Coal bed methane protection account -- use. (1) There is a coal bed
 29 methane protection account in the state special revenue fund.

30 (2) At the beginning of each fiscal year, there must be deposited in the account A TOTAL OF

1 \$400,000 of the proceeds from the ~~resource indemnity and ground water assessment tax, as provided~~
2 ~~in 15-38-106.~~ DISTRIBUTION OF OIL AND NATURAL GAS PRODUCTION TAXES, AS PROVIDED IN 15-36-324.

3 (3) All money paid into the account must be invested by the board of investments. Earnings from
4 investments must be deposited in the account.

5 (4) Subject to the conditions of subsection (5), money deposited in the account must be used to
6 compensate landowners and water right holders for damages attributable to coal bed methane
7 development as provided in [sections 1 through 5].

8 (5) Money deposited in the fund and earnings of the fund may not be expended until after June
9 30, 2005. For fiscal years beginning after June 30, 2005, principal and earnings may be expended only
10 in the case of an emergency. For fiscal years beginning after June 30, 2011, principal and earnings in the
11 account may be expended for any purpose authorized pursuant to [sections 1 through 5].

12 (6) Money in the account must be appropriated to the department for use by conservation districts
13 that have private landowners or water right holders who qualify for compensation as provided in [section
14 5].

15

16 NEW SECTION. Section 5. Coal bed methane protection program -- restrictions. (1) There is a coal
17 bed methane protection program administered by conservation districts that have coal beds within the
18 exterior boundary of the district or whose water sources may be adversely affected by the extraction of
19 coal bed methane. The purpose of the coal bed methane protection program is to compensate private
20 landowners or water right holders for damage caused by coal bed methane development.

21 (2) A conservation district shall establish procedures, approved by the department, for evaluating
22 claims for compensation submitted by a landowner or water right holder. The procedures must include:

23 (a) a method for submitting an application for compensation for damages caused by coal bed
24 methane development;

25 (b) a process for determining the cost of the damage to land, surface water, or ground water, if
26 any, caused by coal bed methane development;

27 (c) the development of eligibility requirements for receiving compensation that include an
28 applicant's access to existing sources of state funding, including state-mandated payments, that
29 compensate for damages; and

30 (d) criteria for ranking applications related to available resources.

1 (3) An eligible recipient for compensation includes private landowners and water right holders who
2 can demonstrate as the result of damage caused by coal bed methane development:

3 (a) a loss of agricultural production or a loss in the value of land;

4 (b) a reduction in the quantity or quality of water available from a surface water or ground water
5 source that affects the beneficial use of water; or

6 (c) the contamination of surface water or ground water that prevents its beneficial use.

7 (4) (a) Subject to the conditions of subsections (5) through ~~(7)~~ (8), an eligible landowner may be
8 compensated for the damages incurred by the landowner for loss of agricultural production and income,
9 lost land value, and lost value of improvements caused by coal bed methane development. A payment
10 made under this subsection (4)(a) may only cover land directly affected by coal bed methane development.

11 (b) Subject to the conditions of subsections (5) through ~~(7)~~ (8), an eligible water right holder may
12 be compensated for damages caused by the contamination, diminution, or the interruption of surface water
13 or ground water.

14 (5) In order to qualify for a payment of damages under this section, the landowner or water right
15 holder must demonstrate that it is unlikely that compensation will be made by the coal bed methane
16 developer or operator who is liable for the damage to land or the reduction in or contamination of surface
17 water or ground water as the result of coal bed methane development.

18 (6) Compensation made to a landowner or a water right holder under this section may not exceed
19 75% of the cost of the damages. The maximum amount paid to a landowner or water right holder may
20 not exceed \$50,000.

21 (7) CONSERVATION DISTRICT ADMINISTRATIVE EXPENSES FOR SERVICES PROVIDED UNDER THIS SECTION ARE
22 ELIGIBLE COSTS FOR REIMBURSEMENT FROM THE COAL BED METHANE PROTECTION ACCOUNT.

23 ~~(7)(8)~~ (a) Except as provided in subsection ~~(7)(b)~~ (8)(B), compensation for damages allowed under
24 this section may be made only after June 30, 2011.

25 (b) Compensation for an emergency may be made after June 30, 2005.

26

27 ~~Section 6.~~ Section 15-38-106, MCA, is amended to read:

28 ~~"15-38-106. (Temporary) Payment of tax -- records -- collection of taxes -- refunds. (1) The tax~~
29 ~~imposed by this chapter must be paid by each person to which the tax applies, on or before March 31,~~
30 ~~on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax must~~

1 be paid to the department at the time that the statement of yield for the preceding calendar year is filed
2 with the department.

3 ~~—— (2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following
4 order:~~

5 ~~—— (a) 50% of the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust
6 fund type;~~

7 ~~—— (b) \$300,000 of the remaining proceeds OF THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT
8 TAX in the ground water assessment account established by in 85-2-905;~~

9 ~~—— (c) \$400,000 of the remaining proceeds OF THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT
10 TAX in the coal bed methane protection account established in [section 4];~~

11 ~~—— (c)(d) 50% of the remaining proceeds in the reclamation and development grants account
12 established by in 90-2-1104; and~~

13 ~~—— (d)(e) all remaining proceeds in the orphan share account established in 75-10-743.~~

14 ~~—— (3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and
15 the records are subject to inspection by the department upon reasonable notice during normal business
16 hours.~~

17 ~~—— (4) The department shall examine the statement and compute the taxes to be imposed, and the
18 amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer.
19 If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the
20 department within 30 days after written notice of the amount of deficiency is mailed by the department
21 to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax
22 credit against tax liability for subsequent years or refunded if requested by the taxpayer.~~

23 ~~—— **15-38-106. (Effective on occurrence of contingency) Payment of tax -- records -- collection of**
24 **taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax
25 applies, on or before March 31, on the value of product in the year preceding January 1 of the year in
26 which the tax is paid. The tax must be paid to the department at the time that the statement of yield for
27 the preceding calendar year is filed with the department.~~

28 ~~—— (2) The department shall, in accordance with the provisions of 15-1-501, deposit in the following
29 order:~~

30 ~~—— (a) \$366,000 of the proceeds OF THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX in the~~

1 ground water assessment account established by in 85-2-905;
 2 ~~———— (b) \$400,000 of the proceeds of THE RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX in the~~
 3 ~~coal bed methane protection account established in [section 4];~~
 4 ~~———— (b)(c) 50% of the remaining proceeds in the orphan share account established in 75-10-743; and~~
 5 ~~———— (c)(d) all remaining proceeds in the reclamation and development grants account established by~~
 6 ~~in 90-2-1104, for the purpose of making grants to be used for mineral development reclamation projects.~~
 7 ~~———— (3) Each person to whom the tax applies shall keep records in accordance with 15-38-105, and~~
 8 ~~the records are subject to inspection by the department upon reasonable notice during normal business~~
 9 ~~hours.~~
 10 ~~———— (4) The department shall examine the statement and compute the taxes to be imposed, and the~~
 11 ~~amount computed by the department is the tax imposed, assessed against, and payable by the taxpayer.~~
 12 ~~If the tax found to be due is greater than the amount paid, the excess must be paid by the taxpayer to the~~
 13 ~~department within 30 days after written notice of the amount of deficiency is mailed by the department~~
 14 ~~to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax~~
 15 ~~credit against tax liability for subsequent years or refunded if requested by the taxpayer."~~

16

17 **SECTION 6. SECTION 15-36-324, MCA, IS AMENDED TO READ:**

18 **"15-36-324. Distribution of taxes -- rules.** (1) For each calendar quarter, the department shall
 19 determine the amount of tax, late payment interest, and penalty collected under this part. For purposes
 20 of distribution of the taxes to county and school taxing units, the department shall determine the amount
 21 of oil and natural gas production taxes paid on production in the taxing unit.

22 (2) Except as provided in subsections (3) through (5), oil production taxes must be distributed as
 23 follows:

24 (a) The amount equal to 39.3% of the oil production taxes, including late payment interest and
 25 penalty, collected under this part must be distributed as provided in subsection (9).

26 (b) The remaining 60.7% of the oil production taxes, plus accumulated interest earned on the
 27 amount allocated under this subsection (2)(b), must be deposited in the state special revenue fund in the
 28 state treasury and transferred to the county and school taxing units for distribution as provided in
 29 subsection (12).

30 (3) The amount equal to 100% of the oil production taxes, including late payment interest and

1 penalty, collected from working interest owners on qualifying production occurring during the first 12
2 months of production must be distributed as provided in subsection (10).

3 (4) (a) The amount equal to 100% of the oil production taxes, including late payment interest and
4 penalty, collected from working interest owners on production from horizontally completed wells occurring
5 during the first 18 months of production must be distributed as provided in subsection (10).

6 (b) The amount equal to 100% of the oil production taxes, including late payment interest and
7 penalty, collected from working interest owners on the incremental production from horizontally
8 recompleted wells occurring during the first 18 months of production must be distributed as provided in
9 subsection (9).

10 (5) (a) The amount equal to 13.8% of the oil production taxes, including late payment interest and
11 penalty, collected from working interest owners on the first 10 barrels of stripper oil production wells must
12 be distributed as provided in subsection (10).

13 (b) The remaining 86.2% of the oil production taxes, plus accumulated interest earned on the
14 amount allocated under this subsection (5)(b), must be deposited in the state special revenue fund in the
15 state treasury and transferred to the county and school taxing units for distribution as provided in
16 subsection (12).

17 (c) The amount equal to 100% of the oil production taxes, including late payment interest and
18 penalty, collected from working interest owners on stripper well exemption production from ~~pre-1985~~
19 PRE-1999 wells and ~~post-1985~~ POST-1999 wells must be distributed as provided in subsection (10).

20 (6) Except as provided in subsections (7) and (8), natural gas production taxes must be allocated
21 as follows:

22 (a) The amount equal to 14% of the natural gas production taxes, including late payment interest
23 and penalty, collected under this part must be distributed as provided in subsection (11).

24 (b) The remaining 86% of the natural gas production taxes, plus accumulated interest earned on
25 the amount allocated under this subsection (6)(b), must be deposited in the state special revenue fund in
26 the state treasury and transferred to the county and school taxing units for distribution as provided in
27 subsection (12).

28 (7) The amount equal to 100% of the natural gas production taxes, including late payment interest
29 and penalty, collected from working interest owners under this part on production from wells occurring
30 during the first 12 months of production must be distributed as provided in subsection (10).

1 (8) The amount equal to 100% of natural gas production taxes, including late payment interest
2 and penalty, collected from working interest owners on production from horizontally completed wells
3 occurring during the first 18 months of production must be distributed as provided in subsection (10).

4 (9) The department shall, in accordance with the provisions of 15-1-501, distribute the state
5 portion of oil production taxes specified in subsections (2)(a) and (4)(b), including late payment interest
6 and penalty collected, as follows:

7 (a) 86.21% to the state general fund;

8 (b) 5.17% to the state special revenue fund for the purpose of paying expenses of the board as
9 provided in 82-11-135; and

10 (c) 8.62% to be distributed as ~~provided in 15-38-106(2)~~ follows:

11 (i) a total of \$400,000, including the proceeds from subsections (10)(b)(i) and (11)(c)(i), to the
12 coal bed methane protection account established in [section 4];

13 (ii) 50% of the remaining proceeds to the reclamation and development grants special revenue
14 account established in 90-2-1104; and

15 (iii) 50% of the remaining proceeds to the orphan share account established in 75-10-743.

16 (10) The department shall distribute the state portion of oil and natural gas production taxes
17 specified in subsections (3), (4)(a), (5)(a), (5)(c), (7), and (8), including late payment interest and penalty
18 collected, as follows:

19 (a) 37.5% to the state special revenue fund for the purpose of paying expenses of the board as
20 provided in 82-11-135; and

21 (b) 62.5% to be distributed as ~~provided in 15-38-106(2)~~ follows:

22 (i) a total of \$400,000, including the proceeds from subsections (9)(c)(i) and (11)(c)(i), to the coal
23 bed methane protection account established in [section 4];

24 (ii) 50% of the remaining proceeds to the reclamation and development grants special revenue
25 account established in 90-2-1104; and

26 (iii) 50% of the remaining proceeds to the orphan share account established in 75-10-743.

27 (11) The department shall, in accordance with the provisions of 15-1-501, distribute the state
28 portion of natural gas production taxes specified in subsection (6)(a), including late payment interest and
29 penalty collected, as follows:

30 (a) 76.8% to the state general fund;

1 (b) 8.7% to the state special revenue fund for the purpose of paying expenses of the board as
2 provided in 82-11-135; and

3 (c) 14.5% to be distributed as ~~provided in 15-38-106(2)~~ follows:

4 (i) a total of \$400,000, including the proceeds from subsections (9)(c)(i) and (10)(b)(i), to the coal
5 bed methane protection account established in [section 4];

6 (ii) 50% of the remaining proceeds to the reclamation and development grants special revenue
7 account established in 90-2-1104; and

8 (iii) 50% of the remaining proceeds to the orphan share account established in 75-10-743.

9 (12) (a) By the dates referred to in subsection (13), the department shall, except as provided in
10 subsection (12)(b), calculate and distribute oil and natural gas production taxes received under subsections
11 (2)(b), (5)(b), and (6)(b) to each eligible county in proportion to the oil and natural gas production taxes
12 received under subsections (2)(b), (5)(b), and (6)(b) that are attributable to production in that county.

13 (b) The department shall distribute 5% of the oil and natural gas production taxes received under
14 subsections (2)(b), (5)(b), and (6)(b) from pre-1999 wells to eligible counties in proportion to the
15 underfunding that would have occurred from the tax liability distribution of pre-1985 oil and natural gas
16 production taxes for production in calendar year 1997.

17 (c) Except as provided in subsection (12)(d), the county treasurer shall distribute the money
18 received under subsection (12)(b) to the taxing units that levied mills in fiscal year 1990 against calendar
19 year 1988 production in the same manner that all other property tax proceeds were distributed during
20 fiscal year 1990 in the taxing unit, except that a distribution may not be made to a municipal taxing unit.

21 (d) The board of county commissioners of a county may direct the county treasurer to reallocate
22 the distribution of oil and natural gas production tax money that would have gone to a taxing unit, as
23 provided in subsection (12)(c), to another taxing unit or taxing units, other than an elementary school or
24 high school, within the county under the following conditions:

25 (i) The county treasurer shall first allocate the oil and natural gas production taxes to the taxing
26 units within the county in the same proportion that all other property tax proceeds were distributed in the
27 county in fiscal year 1990.

28 (ii) If the allocation in subsection (12)(d)(i) exceeds the total budget for a taxing unit, the
29 commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

30 (e) The board of trustees of an elementary or high school district may reallocate the oil and natural

1 gas production taxes distributed to the district by the county treasurer under the following conditions:

2 (i) The district shall first allocate the oil and natural gas production taxes to the budgeted funds
3 of the district in the same proportion that all other property tax proceeds were distributed in the district
4 in fiscal year 1990.

5 (ii) If the allocation under subsection (12)(e)(i) exceeds the total budget for a fund, the trustees
6 may allocate the excess to any budgeted fund of the school district.

7 (f) The county treasurer shall distribute oil and natural gas production taxes received under
8 subsection (12)(a) between county and school taxing units in the relative proportions required by the levies
9 for state, county, and school district purposes in the same manner as property taxes were distributed in
10 the preceding fiscal year.

11 (g) The allocation to the county in subsection (12)(f) must be distributed by the county treasurer
12 in the relative proportions required by the levies for county taxing units and in the same manner as
13 property taxes were distributed in the preceding fiscal year.

14 (h) The money distributed in subsection (12)(f) that is required for the county mill levies for school
15 district retirement obligations and transportation schedules must be deposited to the funds established for
16 these purposes.

17 (i) The oil and natural gas production taxes distributed under subsection (12)(c) that are required
18 for the 6-mill university levy imposed under 20-25-423 and for the county equalization levies imposed
19 under 20-9-331 and 20-9-333, as those sections read on July 1, 1989, must be remitted by the county
20 treasurer to the state treasurer.

21 (j) The oil and natural gas production taxes distributed under subsection (12)(f) that are required
22 for the 6-mill university levy imposed under 20-25-423, for the county equalization levies imposed under
23 20-9-331 and 20-9-333, and for the state equalization aid levy imposed under 20-9-360 must be remitted
24 by the county treasurer to the state treasurer.

25 (k) The amount of oil and natural gas production taxes remaining after the treasurer has remitted
26 the amounts determined in subsections (12)(i) and (12)(j) is for the exclusive use and benefit of the county
27 and school taxing units.

28 (13) The department shall remit the amounts to be distributed in subsection (12) to the county
29 treasurer by the following dates:

30 (a) On or before August 1 of each year, the department shall remit to the county treasurer oil and

1 natural gas production tax payments received for the calendar quarter ending March 31 of the current
2 year.

3 (b) On or before November 1 of each year, the department shall remit to the county treasurer oil
4 and natural gas production tax payments received for the calendar quarter ending June 30 of the current
5 year.

6 (c) On or before February 1 of each year, the department shall remit to the county treasurer oil
7 and natural gas production tax payments received for the calendar quarter ending September 30 of the
8 previous year.

9 (d) On or before May 1 of each year, the department shall remit to the county treasurer oil and
10 natural gas production tax payments received for the calendar quarter ending December 31 of the previous
11 calendar year.

12 (14) The department shall provide to each county by May 31 of each year the amount of gross
13 taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year
14 multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes
15 and for county bonding purposes.

16 (15) (a) In the event that the board of oil and gas conservation revises the privilege and license tax
17 pursuant to 82-11-131, the department shall, by rule, change the formula under this section for
18 distribution of taxes collected under 15-36-304. The revised formula must provide for the distribution of
19 taxes in an amount equal to the rate adopted by the board of oil and gas conservation for the expenses
20 of the board.

21 (b) Before the department adopts a rule pursuant to subsection (15)(a), it shall present the
22 proposed rule to the appropriate administrative rule review committee.

23 (16) The distribution to taxing units under this section is statutorily appropriated as provided in
24 17-7-502."

25

26 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 5] are intended to be
27 codified as an integral part of Title 76, chapter 15, and the provisions of Title 76, chapter 15, apply to
28 [sections 1 through 5].

29

30 NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 642 AND [THIS ACT] ARE

1 BOTH PASSED AND APPROVED, AND BOTH AMEND 15-36-324(9) THROUGH (11), THEN ~~THOSE AMENDMENTS IN~~ [SECTION
2 3] OF HOUSE BILL NO. 642 ARE IS VOID.

3

4 NEW SECTION. Section 9. Contingent effective date. [This act] is effective on July 1 immediately
5 following the date that the governor by executive order certifies to the secretary of state that the resource
6 indemnity trust fund balance has reached \$100 million. The secretary of state shall notify the department
7 of revenue, the department of administration, the code commissioner, and the legislative fiscal division of
8 this certification.

9

10 NEW SECTION. Section 10. Termination. [Sections 4(2) and 6] terminate June 30, 2011.

11

- END -