(2)

EXHIBIT 2
DATE 1/12/09
HB

Montana
Coal Severance Tax

Department of Natural Resources & Conservation
December 2008

Coal Severance Tax

Within 30 days of the end of each calendar quarter, coal severance taxes are paid to the state, and 50 percent of these are deposited into the **Coal Severance Tax Trust Fund** by the Department of Revenue (see Figure A-2 and Table A-1). Six accounts are established within the Trust: (1) the **Coal Severance Tax Bond Fund**, (2) the **Treasure State Endowment Regional Water System Fund**, (3) the **Big Sky Economic Development Fund**, (4) the **Treasure State Endowment Fund**, (5) the **Coal Severance Tax Permanent Fund**, and (6) the **Coal Severance Tax Income Fund** (see Figure A-3).

Figure A-2
Allocation of Coal Severance Tax

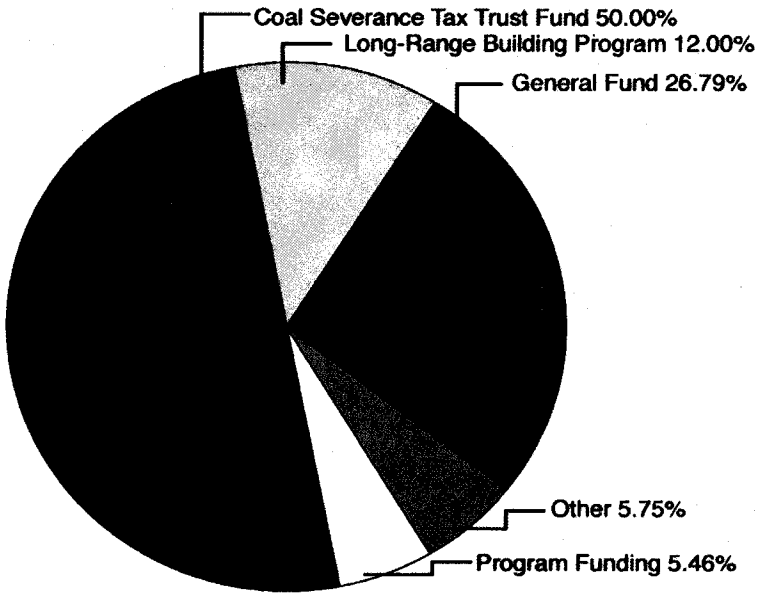

Table A-1
Allocation of Coal Severance Tax

	Tax Allocation	FY Actual 2007 ($1,000)	FY Estimated 2008 ($1,000)
Coal Severance Tax Collections	100%	$ 40,759	$ 41,000
Coal Severance Tax Trust Fund	50.00%	20,379	20,500
General Fund	26.79%	10,919	10,983
Long-Range Building Program	12.00%	4,891	4,920
Program Funding	5.46%	2,225	2,239
Other			
Oil, Gas and Coal Natural Resources	2.90%	1,182	1,189
Parks Acquisition and Management Trust	1.27%	518	521
Renewable Resource Loan Debt Service	0.95%	387	389
Cultural and Aesthetic Trust and Capitol Art	0.63%	258	259

1. Coal tax revenues that flow into the trust are initially deposited into the **Coal Severance Tax Bond Fund** (Bond Fund) and made available for payment of debt service on Coal Severance Tax Bonds (see Figure A-1). The Department of Natural Resources and Conservation (DNRC) informs the Department of Revenue, during the first quarter of each state fiscal year, of the amount necessary to meet all principal and interest payments on bonds payable from the Bond Fund for the next year (two semiannual payments). The Department of Revenue retains that amount in the Bond Fund.

2. The **Treasure State Endowment Regional Water System Fund** was established to provide state funding for regional water systems. Initially, the North Central Rocky Boy's Regional Water System and the Dry Prairie-Fort Peck Regional Water System were authorized. Currently, two more Regional Systems are being formed. During the first quarter of each state fiscal year, 25 percent of the amount in excess of what is retained in the Bond Fund is deposited into the Regional Water System Fund.

3. The 2005 Legislature created the **Big Sky Economic Development Fund Program**. This fund provides interest earnings for grants and loans used for economic development projects working with local governments and certified regional development corporations. The program is administered by the Department of Commerce.

4. The **Treasure State Endowment Fund** (Endowment Fund) was established when voters approved the ballot measure on June 2, 1992. During the first quarter of each state fiscal year, 75 percent of the amount in excess of what is retained in the Bond Fund is deposited into the Endowment Fund. The Department of Commerce notifies the Department of Revenue when interest earnings are needed to fund local infrastructure projects. The Department of Revenue then transfers the interest earnings from the Endowment Fund into the **Treasure State Endowment Special Revenue Account** (Revenue Account). The Department of Commerce then approves disbursement of funds to authorized local governments. Interest earnings not transferred to the Revenue Account for projects are retained in the Endowment Fund.

5. The Coal Severance Tax Permanent Fund (Permanent Fund) receives no new tax proceeds. The fund balance within the trust is invested by the Board of Investments. The earnings from the Permanent Fund are deposited into the General Fund. State law states that up to 25 percent of the Permanent Fund can be invested in the Montana economy.

6. Investment income on the deposits in the Bond Fund, the Contingency Loan Fund, and the Permanent Fund is periodically transferred into the Coal Severance Tax Income Fund. The entire balance in the Income Fund is transferred into the General Fund on a monthly basis.

7. Under the Coal Severance Tax Loan Program, the state sells coal severance tax bonds and loans the proceeds to local governments for various infrastructure projects. The borrowers make semiannual or annual loan payments, which upon receipt are credited to a **Debt Service Account**. The terms of the loans vary, but generally involve an interest rate subsidy for the first five years of the loan followed by a direct pass-through of the interest rate on the state bonds for the remaining life of the loan. The loan program and debt service accounts are administered by DNRC.

8. Debt service payments on the bonds are due each June 1 and December 1. To the extent that funds on hand in the Debt Service Account are insufficient to pay principal and

interest on the bonds when due, funds are transferred into the Debt Service Account from the Bond Fund.

On January 1 of each year, funds are transferred into the Debt Service Account from the Bond Fund to the extent necessary to cause the balance in the Debt Service Account to equal one-twelfth of the next two ensuing semiannual debt service payments. DNRC provides written notice to the Department of Revenue if funds are needed to pay debt service or to make the required transfer on January 1. On January 1 of each year, DNRC also sweeps the Debt Service Account of funds in excess of one-twelfth of the next two ensuing semiannual debt service payments. The excess is returned to the Bond Fund in repayment of borrowed money, if necessary, or deposited into the Renewable Resource Grant and Loan Program State Special Revenue Account.

9. On each June 1 and December 1, the state pays debt service on the bonds from amounts on hand in the Debt Service Account. Payments are made by DNRC.
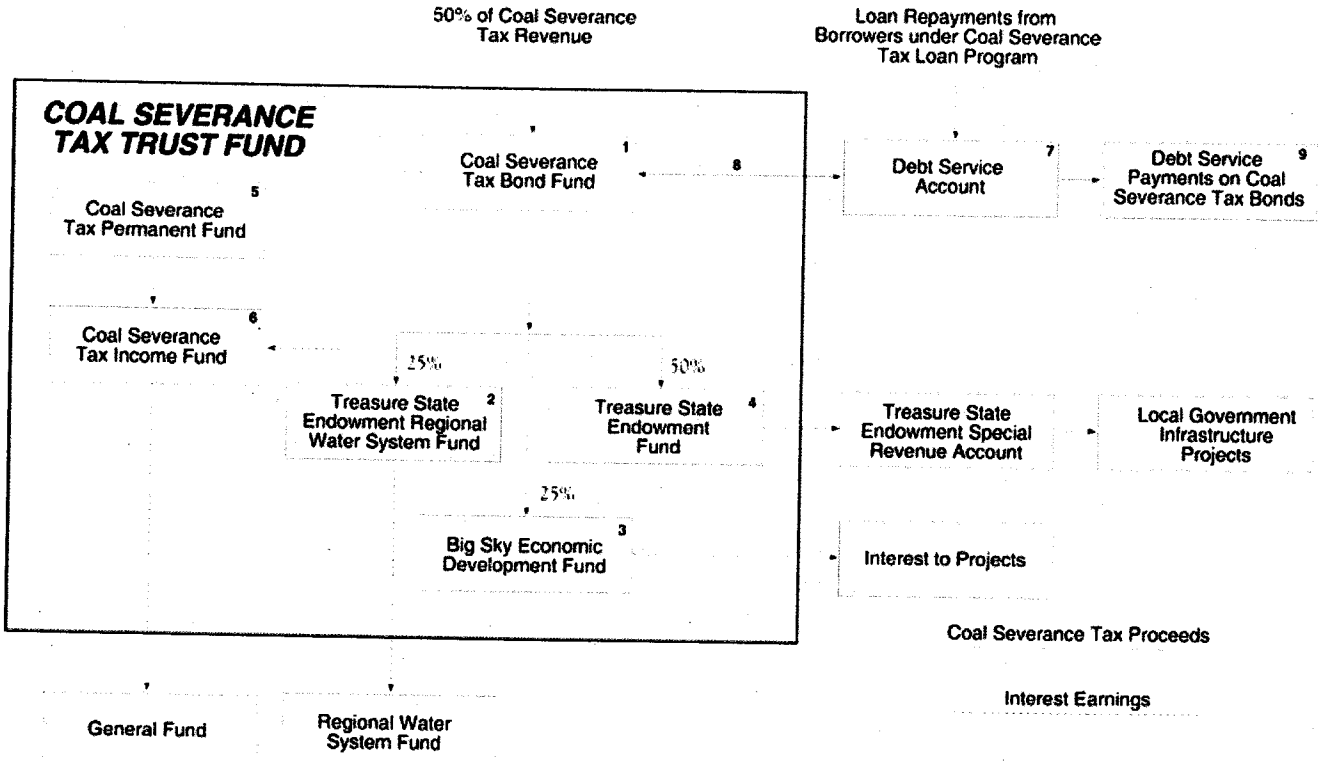
Figure A-3
Coal Severance Tax Trust Fund
Flow of Funds Summary