

**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**HOUSE NATURAL RESOURCES COMMITTEE**

**Date:** Wednesday, April 8, 2009  
**Place:** Capitol

**Time:** 3:00 pm  
**Room:** 472

**BILLS and RESOLUTIONS HEARD:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 370	SB 505		

**EXECUTIVE ACTION TAKEN:**

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 370 BC			
SB 505-F			

**COMMENTS:**

  
\_\_\_\_\_  
REP. Mike Milburn, Chairman

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**Natural Resources Committee**

DATE: 4/8/2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Vice Chair Gordon Hendrick	✓	
Vice Chair JP Pomnichowski	✓	
Rep. Kendall Van Dyk	✓	
Rep. Michele Reinhart	✓	
Rep. Scott Mendenhall	✓	
Rep. Mike Miller	✓	
Rep. Betsy Hands	✓	
Rep. Brian Hoven	✓	
Rep. Anders Blewett	✓	
Rep. Tom McGillvray	✓	
Rep. Jill Cohenour	✓	
Rep. Gerald Bennett	✓	
Rep. Sue Dickenson	✓	
Rep. Tony Belcourt	✓	
Rep. Chas Vincent		✓
Rep. Wendy Warburton	✓	
Rep. Mike Menahan	✓	
Chairman Mike Milburn	✓	



## HOUSE STANDING COMMITTEE REPORT

April 9, 2009

Page 1 of 3

Mr. Speaker:

We, your committee on **Natural Resources** recommend that **Senate Bill 370** (third reading copy – blue) be concurred in as amended.

Signed: 

*Representative Mike Milburn, Chair*

To be carried by Representative Mike Milburn

**And, that such amendments read:**

1. Title, line 7.

**Following:** "15-38-104,"

**Insert:** "15-38-106,"

2. Title, line 8.

**Following:** "DATE"

**Insert:** "AND RETROACTIVE APPLICABILITY DATES"

3. Page 1, line 14.

**Following:** "account"

**Insert:** "85% of the"

4. Page 1, line 15 through line 18.

**Strike:** subsection (3) in its entirety

**Insert:** "(3) Money in the fund must be spent for the purposes of administering and enforcing this part."

5. Page 2.

**Following:** line 19

**Insert:** "Section 3. Section 15-38-106, MCA, is amended to read:

"15-38-106. **Payment of tax -- records -- collection of taxes -- refunds.** (1) The tax imposed by this chapter must be paid by each person to which the tax applies, on or before the due date of the annual statement established in 15-38-105, on the

**Committee Vote:**

Yes 12, No 6

Fiscal Note Required

SB0370001SC03842.hjd

value of product in the year preceding January 1 of the year in which the tax is paid. The tax must be paid to the department at the time that the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall, in accordance with the provisions of 17-2-124, deposit the proceeds from the resource indemnity and ground water assessment tax and money deposited pursuant to 82-4-424(3) in the following order:

(a) annually in due course, from the proceeds of the tax to the CERCLA match debt service fund provided in 75-10-622, the amount necessary, as certified by the department of environmental quality, after crediting to the CERCLA match debt service fund amounts transferred from the CERCLA cost recovery account established under 75-10-631, to pay the principal of, premium, if any, and interest during the next fiscal year on bonds or notes issued pursuant to 75-10-623;

(b) \$366,000 of the proceeds from the tax in the ground water assessment account established by 85-2-905;

(c) for the biennium beginning July 1, 2007, \$150,000 of the proceeds from the tax in the water storage state special revenue account established in 85-1-631;

(d) 50% of the remaining proceeds from the tax divided equally between the environmental quality protection fund established in 75-10-704 and the hazardous waste/CERCLA special revenue account established in 75-10-621; and

(e) all remaining proceeds from the tax in the natural resources projects state special revenue account, established in 15-38-302, for the purpose of making grants to be used for mineral development reclamation projects and renewable resource projects.

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

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

**Renumber:** subsequent sections

6. Page 3.

**Following:** line 18

**Insert:** "(3) The department shall deposit 85% of proceeds from annual fees into the opencut fund established in [section 1] and transfer 15% of the proceeds from the fees to the

department of revenue for distribution in accordance with  
15-38-106."

7. Page 4, line 5.

**Following: "APPLICABILITY."**

**Insert:** "(1) Except as provided in subsection (2), [this act]  
applies retroactively, within the meaning of 1-2-109, to  
tax years beginning after December 31, 2007.

(2) "

- END -

**HOUSE OF REPRESENTATIVES**  
**Roll Call - Vote**  
**Natural Resources Committee**

DATE: 4/8/09

BILL: Sp 370

<u>NAME</u>	<u>Yes</u>	<u>No</u>
Vice Chair Gordon Hendrick	✓	
Vice Chair Rep. JP Pomnichowski		✓
Rep. Kendall Van Dyk	✓ P	
Rep. Michele Reinhart		✓
Rep. Scott Mendenhall	✓	
Rep. Mike Miller	✓	
Rep. Betsy Hands		✓
Rep. Brian Hoven	✓ P	
Rep. Anders Blewett		✓
Rep. Tom McGillvray		✓
Rep. Jill Cohenour	✓	
Rep. Gerald Bennett	✓	
Rep. Sue Dickenson		✓
Rep. Tony Belcourt	✓	
Rep. Chas Vincent	P ✓	
Rep. Wendy Warburton	✓	
Rep. Mike Menahan	✓	
Chairman Mike Milburn	✓	

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**HOUSE OF REPRESENTATIVES**  
**Roll Call - Vote**  
**Natural Resources Committee**

DATE: 4/8/09

BILL: SB505 As amended

<u>NAME</u>	<u>Yes</u>	<u>No</u>
Vice Chair Gordon Hendrick	✓	
Vice Chair Rep. JP Pomnichowski		✓
Rep. Kendall Van Dyk		✓ P
Rep. Michele Reinhart		✓
Rep. Scott Mendenhall	✓	
Rep. Mike Miller	✓	
Rep. Betsy Hands		✓
Rep. Brian Hoven	P ✓	
Rep. Anders Blewett		✓
Rep. Tom McGillvray	✓	
Rep. Jill Cohenour		✓
Rep. Gerald Bennett	✓	
Rep. Sue Dickenson		✓
Rep. Tony Belcourt		✓
Rep. Chas Vincent	P ✓	
Rep. Wendy Warburton	✓	
Rep. Mike Menahan		✓
Chairman Mike Milburn	✓	

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**HOUSE OF REPRESENTATIVES**  
**Roll Call - Vote**  
**Natural Resources Committee**

DATE: 4/8/09

BILL: SB 505 -

*To table*

<u>NAME</u>	<u>Yes</u>	<u>No</u>
Vice Chair Gordon Hendrick		✓
Vice Chair Rep. JP Pomnichowski	✓	
Rep. Kendall Van Dyk	<i>P</i> ✓	
Rep. Michele Reinhart	✓	
Rep. Scott Mendenhall		✓
Rep. Mike Miller		✓
Rep. Betsy Hands	✓	
Rep. Brian Hoven		✓ <i>P</i>
Rep. Anders Blewett	✓	
Rep. Tom McGillvray	<del>✓</del>	✓
Rep. Jill Cohenour	✓	
Rep. Gerald Bennett		✓
Rep. Sue Dickenson	✓	
Rep. Tony Belcourt	✓	<del>✓</del>
Rep. Chas Vincent		✓ <i>P</i>
Rep. Wendy Warburton		✓
Rep. Mike Menahan	✓	
Chairman Mike Milburn		✓

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*Failed*



## AUTHORIZED COMMITTEE PROXY

I request to be excused from the   *Wet Res*  

Committee because of other commitments. I desire to leave my proxy vote with:  
  *Rep Hunchalls*  

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO	BILL/AMENDMENT	AYE	NO
<i>SB 505</i>	<input checked="" type="checkbox"/>				
<i>SB 370</i>	<input checked="" type="checkbox"/>				
<i>SB 037002.01K amendment</i>	<input checked="" type="checkbox"/>				
<i>SB 050503.01K amendment</i>	<input checked="" type="checkbox"/>				
<i>Tabulation</i>		<input checked="" type="checkbox"/>			

Rep.   *Ch. Vucit*   Date   *7-8-09*    
(Signature)

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the House Natural Resources

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. JP Pompidou

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB370 DO CONCUR	X	
AMD SB037002.ajk	X	
SB505 DO CONCUR		X
AMD SB050503.ajk	X	
TABLE	X	

BILL/AMENDMENT	AYE	NO

Rep.  Kendall van Dine  
(Signature)

Date 8 Apr 09.

**MONTANA HOUSE OF REPRESENTATIVES  
VISITORS REGISTER**

Natural Resources

SB 505

Date 4/8/09

PLEASE PRINT      PLEASE PRINT      PLEASE PRINT

Name and Address	Representing	Bill No.	Support	Oppose	Inf.
John Youngberg	MFB	SB 505	X		
Mike Murphy	MWRA	SB 505	X		
Don Allen	WETA	SB 505	X		
Tulia Reese	Northern Plains	SB 505		X	
DarAnne Dunning	Northern Plains	SB 505		X	
Bruce Williams	FIDELITY E & P	SB 505	X		
Dave Grier	MFA	SB 505	X		
<del>Harold Stratton</del>	<del>MFA</del>				
Jim Jensen	WETC	SB 505		X	
Brenda Lindell	Tongue River <sup>Wash use</sup>	SB 505		X	
Con Metropoulos	Fidelity	505	X		
Sarah Cobler	MCV			X	
"	Clark Fork Cadria			X	
Jay Bodner	MSG-A	505	X		
Bob O'Hair	Rio Tinto	505	X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

