

HOUSE BILL NO. 382

INTRODUCED BY L. BANGERTER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PORTION OF THE EXPENDABLE PORTION
5 OF COAL SEVERANCE TAX COLLECTIONS BE STATUTORILY APPROPRIATED TO THE TRUST FUNDS
6 FOR THE TEACHERS' RETIREMENT SYSTEM, THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM DEFINED
7 BENEFIT PLAN, THE SHERIFFS' RETIREMENT SYSTEM, AND THE GAME WARDENS' AND PEACE
8 OFFICERS' RETIREMENT SYSTEM UNTIL THE FUNDS ARE ACTUARIALLY SOUND; AMENDING SECTION
9 15-35-108; AND PROVIDING AN EFFECTIVE DATE."

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

12
13 **Section 1.** Section 15-35-108, MCA, is amended to read:
14 **"~~15-35-108. (Temporary) Disposal of severance taxes.~~** Severance taxes collected under this chapter
15 must, in accordance with the provisions of 17-2-124, be allocated as follows:
16 ~~——— (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX,~~
17 ~~section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under~~
18 ~~17-6-203(6) and invested by the board of investments as provided by law.~~
19 ~~——— (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program~~
20 ~~account established in 17-7-205.~~
21 ~~——— (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated~~
22 ~~by the legislature for provision of basic library services for the residents of all counties through library federations~~
23 ~~and for payment of the costs of participating in regional and national networking, conservation districts, and the~~
24 ~~Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account.~~
25 ~~Money may not be transferred from this account to another account other than the general fund. Beginning July~~
26 ~~1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.~~
27 ~~——— (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks~~
28 ~~acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses,~~
29 ~~must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas~~
30 ~~described in 23-1-102.~~

- 1 ~~———(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable~~
 2 ~~resource loan debt service fund.~~
- 3 ~~———(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art~~
 4 ~~in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding~~
 5 ~~unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other~~
 6 ~~cultural and aesthetic projects.~~
- 7 ~~———(7) The amount of 5.8% through September 30, 2013, and beginning October 1, 2013, the amount of~~
 8 ~~2.9% must be credited to the coal natural resource account established in 90-6-1001(2).~~
- 9 ~~———(8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must~~
 10 ~~be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.~~
- 11 ~~———(9) (a) Subject to subsection (9)(b), all other revenue from severance taxes collected under the~~
 12 ~~provisions of this chapter must be credited to the general fund of the state:~~
- 13 ~~———(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited~~
 14 ~~in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:~~
- 15 ~~———(i) \$65,000 to the cooperative development center;~~
- 16 ~~———(ii) \$625,000 for the growth through agriculture program provided for in Title 90, chapter 9;~~
- 17 ~~———(iii) \$1.275 million to the research and commercialization state special revenue account created in~~
 18 ~~90-3-1002, of which \$375,000 per year is appropriated for fiscal years 2012 and 2013 to the department of~~
 19 ~~commerce for the small business state matching grant program authorized in 90-1-117 to provide matching grants~~
 20 ~~for small business innovation research and small business technology transfer, \$125,000 per year is appropriated~~
 21 ~~for fiscal years 2012 and 2013 to the high-performance supercomputing program in the department of commerce,~~
 22 ~~and \$300,000 per year is appropriated for fiscal years 2012 and 2013 to the board of regents for the development~~
 23 ~~of energy and natural resources doctoral programs at Montana tech of the university of Montana;~~
- 24 ~~———(iv) to the department of commerce:~~
- 25 ~~———(A) \$125,000 for a small business development center;~~
- 26 ~~———(B) \$50,000 for a small business innovative research program;~~
- 27 ~~———(C) \$425,000 for certified regional development corporations;~~
- 28 ~~———(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman;~~
 29 ~~and~~
- 30 ~~———(E) \$300,000 for export trade enhancement. (Terminates June 30, 2013--sec. 5, Ch. 459, L. 2009.)~~

1 **15-35-108. ~~(Effective July 1, 2013)~~ (Temporary) Disposal of severance taxes.** Severance taxes
2 collected under this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:

3 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX,
4 section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under
5 17-6-203(6) and invested by the board of investments as provided by law.

6 (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program
7 account established in 17-7-205.

8 (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated
9 by the legislature for provision of basic library services for the residents of all counties through library federations
10 and for payment of the costs of participating in regional and national networking, conservation districts, and the
11 Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account.
12 Money may not be transferred from this account to another account other than the general fund. ~~Beginning July~~
13 ~~1, 2012, any~~ Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

14 (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks
15 acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses,
16 must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas
17 described in 23-1-102.

18 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable
19 resource loan debt service fund.

20 (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art
21 in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding
22 unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other
23 cultural and aesthetic projects.

24 (7) The amount of 5.8% through September 30, 2013, and beginning October 1, 2013, the amount of
25 2.9% must be credited to the coal natural resource account established in 90-6-1001(2).

26 (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must
27 be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

28 (9) (a) Subject to ~~subsection~~ subsections (9)(b) and (9)(c), all other revenue from severance taxes
29 collected under the provisions of this chapter ~~must be credited to the general fund of the state~~ are statutorily
30 appropriated, as provided in 17-7-502, as follows:

1 (i) 45% to the trust fund of the public employees' retirement system defined benefit plan provided for in
2 19-3-103;

3 (ii) 45% to the trust fund of the teachers' retirement system provided for in 19-20-102;

4 (iii) 5% to the trust fund of the sheriffs' retirement system provided for in 19-7-102; and

5 (iv) 5% to the trust fund of the game wardens' and peace officers' retirement system provided for in
6 19-8-102.

7 (b) (i) Except as provided in subsection (9)(b)(ii), on January 1 following an actuarial valuation showing
8 that the unfunded liabilities of a retirement system or plan listed in subsection (9)(a) amortize in 30 years or less
9 and that termination of the statutory appropriation to the system's or plan's trust fund under subsection (9)(a)
10 would not result in an amortization period of more than 30 years, the statutory appropriation terminates and the
11 revenue that was appropriated to the retirement system must be credited to the general fund.

12 (ii) (A) If the public employees' retirement system defined benefit plan meets the conditions under
13 subsection (9)(b)(i) before the teachers' retirement system meets the conditions, the statutory appropriation of
14 45% of revenue under subsection (9)(a)(i) terminates on January 1 following the valuation and the 45% of
15 revenue is statutorily appropriated to the teachers' retirement system trust fund in addition to the statutory
16 appropriation under subsection (9)(a)(ii).

17 (B) If the teachers' retirement system meets the conditions under subsection (9)(b)(i) before the
18 unfunded liabilities of the public employees' retirement system defined benefit plan meets the conditions, the
19 statutory appropriation of 45% of revenue under subsection (9)(a)(ii) terminates on January 1 following the
20 valuation and the 45% of revenue is statutorily appropriated to the public employees' retirement system defined
21 benefit plan trust fund in addition to the statutory appropriation under subsection (9)(a)(i).

22 (b)(c) The interest income from \$140 million of the coal severance tax permanent fund that is deposited
23 in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

24 (i) \$65,000 to the cooperative development center;

25 (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

26 (iii) \$3.65 million to the research and commercialization state special revenue account created in
27 90-3-1002;

28 (iv) to the department of commerce:

29 (A) \$125,000 for a small business development center;

30 (B) \$50,000 for a small business innovative research program;

- 1 (C) \$425,000 for certified regional development corporations;
- 2 (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman;
- 3 and
- 4 (E) \$300,000 for export trade enhancement. (Terminates June 30, 2019--secs. 2, 3, Ch. 459, L. 2009.)
- 5 **15-35-108. (Effective July 1, 2019) Disposal of severance taxes.** Severance taxes collected under
- 6 this chapter must, in accordance with the provisions of 17-2-124, be allocated as follows:
- 7 (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX,
- 8 section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under
- 9 17-6-203(6) and invested by the board of investments as provided by law.
- 10 (2) The amount of 12% of coal severance tax collections is allocated to the long-range building program
- 11 account established in 17-7-205.
- 12 (3) The amount of 5.46% must be credited to an account in the state special revenue fund to be allocated
- 13 by the legislature for provision of basic library services for the residents of all counties through library federations
- 14 and for payment of the costs of participating in regional and national networking, conservation districts, and the
- 15 Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account.
- 16 Money may not be transferred from this account to another account other than the general fund. Beginning July
- 17 1, 2012, any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.
- 18 (4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks
- 19 acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses,
- 20 must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas
- 21 described in 23-1-102.
- 22 (5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable
- 23 resource loan debt service fund.
- 24 (6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art
- 25 in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding
- 26 unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other
- 27 cultural and aesthetic projects.
- 28 (7) The amount of 2.9% must be credited to the coal natural resource account established in
- 29 90-6-1001(2).
- 30 (8) After the allocations are made under subsections (2) through (7), \$250,000 for the fiscal year must

1 be credited to the coal and uranium mine permitting and reclamation program account established in 82-4-244.

2 (9) (a) ~~All Subject to subsection (9)(b), all other revenue from severance taxes collected under the~~
3 ~~provisions of this chapter must be credited to the general fund of the state~~ are statutorily appropriated, as
4 provided in 17-7-502, as follows:

5 (i) 45% to the trust fund of the public employees' retirement system defined benefit plan provided for in
6 19-3-103;

7 (ii) 45% to the trust fund of the teachers' retirement system provided for in 19-20-102;

8 (iii) 5% to the trust fund of the sheriffs' retirement system provided for in 19-7-102; and

9 (iv) 5% to the trust fund of the game wardens' and peace officers' retirement system provided for in
10 19-8-102.

11 (b) (i) Except as provided in subsection (9)(b)(ii), on January 1 following an actuarial valuation showing
12 that the unfunded liabilities of a retirement system or plan listed in subsection (9)(a) amortize in 30 years or less
13 and that termination of the statutory appropriation to the system's or plan's trust fund under subsection (9)(a)
14 would not result in an amortization period of more than 30 years, the statutory appropriation terminates and the
15 revenue that was appropriated to the retirement system must be credited to the general fund.

16 (ii) (A) If the public employees' retirement system defined benefit plan meets the conditions under
17 subsection (9)(b)(i) before the teachers' retirement system meets the conditions, the statutory appropriation of
18 45% of revenue under subsection (9)(a)(i) terminates on January 1 following the valuation and the 45% of
19 revenue is statutorily appropriated to the teachers' retirement system trust fund in addition to the statutory
20 appropriation under subsection (9)(a)(ii).

21 (B) If the teachers' retirement system meets the conditions under subsection (9)(b)(i) before the
22 unfunded liabilities of the public employees' retirement system defined benefit plan meets the conditions, the
23 statutory appropriation of 45% of revenue under subsection (9)(a)(ii) terminates on January 1 following the
24 valuation and the 45% of revenue is statutorily appropriated to the public employees' retirement system defined
25 benefit plan trust fund in addition to the statutory appropriation under subsection (9)(a)(i)."

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27 NEW SECTION. Section 2. Effective date. [This act] is effective July 1, 2013.

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