

SENATE BILL NO. 567

INTRODUCED BY GILLAN, LASLOVICH

A BILL FOR AN ACT ENTITLED: "~~AN ACT CREATING THE LARGE-SCALE ENERGY DEVELOPMENT INFRASTRUCTURE IMPACT ACT OF 2007; CREATING THE ENERGY DEVELOPMENT IMPACT BOARD AND ATTACHING THE BOARD FOR ADMINISTRATIVE PURPOSES TO THE DEPARTMENT OF COMMERCE; ESTABLISHING THE BOARD'S MEMBERSHIP AND POWERS; REQUIRING THE SUBMISSION OF IMPACT PLANS TO THE BOARD; AUTHORIZING THE BOARD TO ASSESS AND COLLECT IMPACT PLAN APPLICATION FEES; CREATING THE ENERGY DEVELOPMENT IMPACT ACCOUNT WITHIN THE AGENCY FUND TYPE AND THE ENERGY DEVELOPMENT IMPACT TRUST ACCOUNT WITHIN THE STATE SPECIAL REVENUE FUND; CREATING A RESERVE AMOUNT WITHIN THE ENERGY DEVELOPMENT IMPACT TRUST ACCOUNT; AUTHORIZING THE USE OF THE RESERVE AMOUNT BY THE BOARD FOR CERTAIN PURPOSES; ALLOCATING AND TRANSFERRING FUNDS FROM THE OIL AND NATURAL GAS PRODUCTION TAX TO THE ENERGY DEVELOPMENT IMPACT TRUST ACCOUNT; AUTHORIZING THE ISSUANCE OF FACILITY IMPACT BONDS BY LOCAL GOVERNMENTS~~ OIL, GAS, AND COAL NATURAL RESOURCE ACCOUNT; ~~AMENDING SECTIONS 15-16-201 AND~~ SECTION 15-36-331, MCA; PROVIDING A CONTINGENT VOIDNESS PROVISION; AND PROVIDING AN EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 15-36-331, MCA, is amended to read:

"15-36-331. Distribution of taxes. (1) (a) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalties collected under this part.

(b) For the purposes of distribution of oil and natural gas production taxes to county and school district taxing units under 15-36-332 and to the state, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) (a) The amount of oil and natural gas production taxes collected for the privilege and license tax pursuant to 82-11-131 must be deposited, in accordance with the provisions of 15-1-501, in the state special revenue fund for the purpose of paying expenses of the board, as provided in 82-11-135.

(b) The amount of the tax for the oil, gas, and coal natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) For ~~Subject to subsection (3)(b),~~ for each tax year, the amount of oil and natural gas production taxes determined under subsection (1)(b) is allocated to each county according to the following schedule:

	2005	2006 and succeeding tax years
Big Horn	45.04%	45.05%
Blaine	58.11%	58.39%
Carbon	48.93%	48.27%
Chouteau	57.65%	58.14%
Custer	80.9%	69.53%
Daniels	49.98%	50.81%
Dawson	50.64%	47.79%
Fallon	41.15%	41.78%
Fergus	83.52%	69.18%
Garfield	48.81%	45.96%
Glacier	64.74%	58.83%
Golden Valley	57.41%	58.37%
Hill	65.33%	64.51%
Liberty	59.73%	57.94%
McCone	52.86%	49.92%
Musselshell	51.44%	48.64%
Petroleum	54.62%	48.04%
Phillips	53.78%	54.02%
Pondera	70.89%	54.26%
Powder River	62.17%	60.9%
Prairie	39.73%	40.38%
Richland	46.72%	47.47%
Roosevelt	46.06%	45.71%
Rosebud	38.69%	39.33%
Sheridan	47.54%	47.99%

Stillwater	54.35%	53.51%
Sweet Grass	60.24%	61.24%
Teton	48.4%	46.1%
Toole	57.14%	57.61%
Valley	54.22%	51.43%
Wibaux	48.68%	49.16%
Yellowstone	48.06%	46.74%
All other counties	50.15%	50.15%

(b) (i) From each county's allocation under subsection (3)(a), 1.25% must be deposited in the oil, gas, and coal natural resource account established in 90-6-1001 to be used for impact grants awarded pursuant to 90-6-206 and [section 14 of House Bill No. 798].

(ii) If the amount estimated for deposit in the oil, gas, and coal natural resource account under subsection (3)(b)(i) is less than \$1 million, the coal, oil, gas, and energy development impact board established in 2-15-1821 shall determine a percentage that when applied to all county's allocations, will result in a deposit of \$1 million to the account.

~~(b)(c)~~ The oil and natural gas production taxes allocated to each county must be deposited in the state special revenue fund and transferred to each county for distribution, as provided in 15-36-332.

(4) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil and natural gas production taxes remaining after the distributions pursuant to subsections (2) and (3) as follows:

(a) for each fiscal year through the fiscal year ending June 30, 2011, to be distributed as follows:

(i) 1.23% to the coal bed methane protection account established in 76-15-904;

(ii) 2.95% to the reclamation and development grants special revenue account established in 90-2-1104;

(iii) 2.95% to the orphan share account established in 75-10-743;

(iv) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the purposes of the state tax levy as provided in 20-25-423; and

(v) all remaining proceeds to the state general fund;

(b) for fiscal years beginning after June 30, 2011, to be distributed as follows:

(i) 4.18% to the reclamation and development grants special revenue account established in 90-2-1104;

(ii) 2.95% to the orphan share account established in 75-10-743;

(iii) 2.65% to the state special revenue fund to be appropriated to the Montana university system for the

purposes of the state tax levy as provided in 20-25-423; and
(iv) all remaining proceeds to the state general fund."

NEW SECTION. **Section 2. Contingent voidness.** If House Bill No. 798 is not passed and approved, then [this act] is void.

NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2007.

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