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As of: June 26, 2008 (9:58am)

LC6007

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act creating a weatherization account, allocating to the account a percentage of the oil and natural gas production taxes, amending sections 15-36-331, 90-4-201, and 90-4-215, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

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 17-2-124, 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

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natural resource account established in 90-6-1001 must be deposited in the account.

(3) (a) 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:

Big Horn	45.05%
Blaine	58.39%
Carbon	48.27%
Chouteau	58.14%
Custer	69.53%
Daniels	50.81%
Dawson	47.79%
Fallon	41.78%
Fergus	69.18%
Garfield	45.96%
Glacier	58.83%
Golden Valley	58.37%
Hill	64.51%
Liberty	57.94%
McCone	49.92%
Musselshell	48.64%
Petroleum	48.04%
Phillips	54.02%
Pondera	54.26%
Powder River	60.9%
Prairie	40.38%
Richland	47.47%

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Roosevelt 45.71%
Rosebud 39.33%
Sheridan 47.99%
Stillwater 53.51%
Sweet Grass 61.24%
Teton 46.1%
Toole 57.61%
Valley 51.43%
Wibaux 49.16%
Yellowstone 46.74%
All other counties 50.15%

(b) 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 17-2-124, 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) 1.45% to the natural resources projects state special revenue account established in 15-38-302;

(iii) 1.45% to the natural resources operations state special revenue account established in 15-38-301;

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(iv) 2.99% to the orphan share account established in 75-10-743;

(v) 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;

(vi) 5% to the weatherization account established in 90-4-215; and

~~(vi)~~(vii) all remaining proceeds to the state general fund;

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

(i) 2.16% to the natural resources projects state special revenue account established in 15-38-302;

(ii) 2.02% to the natural resources operations state special revenue account established in 15-38-301;

(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;

(v) 5% to the weatherization account established in 90-4-215; and

~~(v)~~(vi) all remaining proceeds to the state general fund."

{ Internal References to 15-36-331:

15-36-304	15-36-332	15-36-332	15-36-332
15-38-301	15-38-302	75-10-743	76-15-904
82-11-135	90-6-1001 }		

Section 2. Section 90-4-201, MCA, is amended to read:

"90-4-201. Weatherization money sources -- consolidation.

(1) All federal funds and grants available and becoming eligible to Montana under the provisions of the U.S. department of energy low-income weatherization assistance program, the U.S. department of health and human services low-income home energy assistance program, and any other federal funds intended to increase the energy efficiency of dwellings occupied by persons of low and fixed incomes, except for Title XX of the Social Security Act, are to be coordinated and are appropriated to the department of public health and human services.

(2) The department of public health and human services shall allocate and spend for home weatherization programs under this part at least 5% of the funds received from the U.S. department of health and human services low-income home energy assistance program if federal law permits this allocation.

(3) The department of public health and human services shall use the funds in the weatherization account established in 90-4-215 for home weatherization programs under this part."

{Internal References to 90-4-201:
90-4-215x}

Section 3. Section 90-4-215, MCA, is amended to read:

"90-4-215. ~~Account~~ Accounts established -- use. (1) There is an energy conservation and energy assistance account within the federal special revenue fund established in 17-2-102.

(2) There is a weatherization account in the state special revenue fund. There must be deposited in the account the proceeds

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from the distribution of oil and natural gas production taxes as provided in 15-36-331 and any other state funds.

(3) The amounts deposited in the account in subsection (1) and interest and earnings on the account may be used by the department of public health and human services to fund its low-income energy assistance and home weatherization programs created in 90-4-201.

(4) The amounts deposited in the account in subsection (2) and interest and earnings on the account shall be used by the department of public health and human services to fund its low-income energy assistance and home weatherization programs created in 90-4-201."

{Internal References to 90-4-215: None. }

NEW SECTION. **Section 4. {standard} Effective date.** [This act] is effective July 1, 2009.

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