

**Unofficial Draft Copy**

As of: August 29, 2008 (7:29am)

LC8003

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act clarifying the amount of the gross value of product that is nontaxable under the metalliferous mines license tax; amending section 15-37-103, MCA; and providing an immediate effective date and a retroactive applicability date."

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

**Section 1.** Section 15-37-103, MCA, is amended to read:

**"15-37-103. Rate of tax.** (1) The license tax to be paid by a person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold, silver, copper, lead, or any other metal or metals or precious or semiprecious gems or stones are produced is an amount computed on the gross value of product derived by the person from mining business, work, or operation within this state during the preceding reporting period.

(2) Concentrate shipped to a smelter, mill, or reduction work is taxed at the following rates:

| Gross Value   | Rate of Tax                 |
|---|-----------------------------|
| of Product  | (percentage of gross value) |
| <u>subject to subsection (4), the first \$250,000</u> | 0%                          |
| more than \$250,000                                   | 1.81% of the increment      |

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(3) Gold, silver, or any platinum-group metal that is dore, bullion, matte, or another form of processed concentrate that is processed in a treatment facility owned or operated by the taxpayer and that is sold or shipped to a refinery for final processing is taxed at the following rates:

| Gross Value<br>of Product                             | Rate of Tax<br>(percentage of gross value) |
|---|--|
| <u>subject to subsection (4), the first \$250,000</u> | 0%   |
| more than \$250,000                                   | 1.6% of the increment"                     |

(4) The amount of gross value of product that is nontaxable under subsection (2) or (3) may not exceed \$250,000 in a calender year.

{Internal References to 15-37-103:  
15-37-105 x}

NEW SECTION. Section 2. {standard} Effective date. [This act] is effective on passage and approval.

NEW SECTION. Section 3. {standard} Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to metalliferous mines license taxes for reporting periods beginning after December 31, 2002.

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