

STATE OF MONTANA
DEPARTMENT OF COMMERCE
HARD ROCK MINING IMPACT BOARD ORIENTATION
September 11, 2018 8:30 a.m. – Helena, Montana
301 S. Park Avenue, Room 228

Keith Kelly, Helena – Financial Institution
John Rogers, Clancy – Public at large
Mark Thompson, Butte – Mining Industry

Donna von Nieda, Nye – School District
Jane Weber, Great Falls – County Commissioner

Notice of Public Meeting

The Board will be meeting for an orientation for all board members. For more information or to request reasonable accommodations for a disability, please contact CDD staff at (406) 841-2770 or at DOCCDD@mt.gov before the meeting.

Agenda:

1. Welcome – Department of Commerce
2. Orientation begins with roll call
3. Introductions of Board members
4. Opportunity for public comment
5. Orientation Binder Review
6. Discussion of Hard Rock Mining Impact Board regulations, appropriate statutes and laws
7. List of Impact Plans
8. Board Matters
 - a. Schedule next meeting
9. Other Comments/Questions
10. Adjournment

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HARD ROCK IMPACT BOARD

ADDRESS AND TELEPHONE LIST

MEMBERS:

KEITH KELLY
7683 W US HIGHWAY 12
HELENA, MT 59601
HOME PHONE: (406) 449-4456
CELL PHONE: (406) 202-2949
E-MAIL: redmountainkelly@gmail.com
Representative of a major financial
institution
District 2
Term: May 18, 2018-January 1, 2021

JOHN ROGERS
57 BOOTLEGGERS TRAIL
CLANCY, MT 59634
PO BOX 242
HELENA, MT 59624
CELL PHONE: (406) 465-6583
E-MAIL: JOHNCROGERSMT@GMAIL.COM
Public at large
District 1
Term: May 18, 2018-January 1, 2021

DONNA VON NIEDA
1258 STILLWATER RIVER ROAD
NYE, MT 59061
HOME PHONE: (406) 328-7126
E-MAIL: dvonnieda@gmail.com
Impact Area and Elected School District
Trustee
District 1
Term: May 29, 2015-January 1, 2019

MARK THOMPSON
600 SHIELDS AVENUE
BUTTE, MT 59701
BUSINESS PHONE: (406) 496-3211
CELL PHONE: (406) 533-5817
E-MAIL: mthompson@montanaresources.com
Representative of the hard rock mining industry
District 1
Term: May 18, 2018- January 1, 2021

JANE WEBER
325 2ND AVENUE NORTH
GREAT FALLS, MT 59401
OFFICE PHONE: (406) 781-0741
E-MAIL: jweber@cascadecountymt.gov
Impact Area and County Commissioner
District 2
Term: April 8, 2016-January 1, 2019

Department of Commerce Contacts

Pam Haxby-Cote, Director
Department of Commerce
(406) 841-2700
pam.haxbycote@mt.gov

Jennifer Olson, Division Administrator
Community Development Division
(406) 841-2773
jeolson@mt.gov

A.C. Rothenbuecher, Operations Manager
Community Development Division
(406) 841-2551
a.c.rothenbuecher@mt.gov

Anne Pichette, Administrative Officer
Hard Rock Mining Impact Board
Community Development Division
(406) 841-2598
anpichette@mt.gov

Amy Barnes, Commerce Attorney
(406) 841-2733
amybarnes@mt.gov

Department of Commerce
301 S. Park Ave.
Helena, MT 59620

Hard Rock e-mail: DOCCDD@mt.gov



**OPEN MEETINGS
PUBLIC PARTICIPATION
PUBLIC RECORDS**

**Community Development Division
Montana Department of Commerce**

Outline

- Montana Constitution
- Open Meeting Law
- Public Participation Law
- Public Records Law

Montana Constitution

- Article II, Section 8. **Right of Participation.** The public has the right to expect government agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.
- Article II, Section 9. **Right to Know.** No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of the state government and its subdivisions, except in cases where the demand of individual privacy clearly exceeds the merits of public disclosure.

Montana Open Meeting Law

“Meeting” is defined as the convening of *a quorum* of the constituent membership of a *public agency or association* described in 2-3-203, whether corporal *or by means of electronic equipment*, to *hear, discuss, or act* upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

Open Meeting Law, cont.

- Public agency is any public or governmental body, board, bureau, commission, agency of the state, or *any organization or agency supported in whole or in part by public funds or expending public funds.*
- Montana Attorney General has held that the Constitution requires “that any meeting [of a public agency] be open to the public, whether the matter being considered involves large issues of policy or the smallest ministerial act.”

Basic Requirements – Open Meetings

- Hold regular meetings with notice to public. Follow internal operating procedures with respect to notice and participation.
- All meetings must be open to the public! Meet in place accessible to the public.
- Exceptions:
 - When discussion relates to a matter of **individual privacy** and then if and only if the presiding officer **determines that the demands of individual privacy clearly exceed the merits of public disclosure**. Minutes must still be taken. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.
 - To discuss a strategy to be followed with respect to **litigation** when an open meeting would have a detrimental effect on the litigating position of the public agency (does not apply when both parties to litigation are public agencies). Minutes must still be taken.

Basic Requirements – Open Meetings

- Applies to any committee appointed by a public body for conducting that agency's business if a **quorum of the constituent membership of the public body is present**
- Must keep minutes and make available for public inspection; minutes must be approved by the body.
- Meetings occur **anytime a quorum is present**, whether agency or a committee is just listening to presentation by staff, discussing item, or taking action. This can be by full meeting; by teleconference; by electronic means – *however, if you are doing it entirely by phone or email it is likely that the open meeting requirement is being violated!*

Montana Public Participation in Governmental Operations Act

- The Act applies to “governmental agencies,” defined as “any board, bureau, commission, department, authority, or officer of the state or local government authorized by law to make rules...”
- Governor’s policy is to provide as much public participation as possible in governmental affairs.

Public Participation Act, cont.

- The agency may not take action on any matter discussed that is of *significant interest to the public* unless that matter is noticed, included on the agenda, and public comment has been allowed on that matter.
- No explicit time requirements - must give *reasonable notice* on actions that are of “*significant interest to the public.*”

Public Participation Act, cont.

- Constitution, statutes, Governor's policy - any doubt as to whether an action is of "significant interest to the public" should be resolved in favor of increased public participation. Any non-ministerial decision or action that has meaning to, or affects a portion of, the public requires notice and the opportunity to participate in the decision-making process.

- Exceptions (no or modified notice sufficient):
 - (1) an **emergency situation** affecting the public health, welfare, or safety;
 - (2) to **maintain or protect the interests of the agency** (filing a lawsuit or becoming a party to an administrative proceeding); or
 - (3) purely **ministerial decisions** (no discretion involved).

Department Guidelines – Public Participation

□ Informational materials

- Provide policy, program and technical information **at the earliest practicable times and at places easily accessible to interested or affected persons and organizations**
- Ensure the public can make informal and constructive contributions to department decision-making (news releases, other publications, informational discussions and meetings)
- Summarize complex technical materials for public and media use.

□ Notification

- Maintain a current list of interested persons and organizations
- Notify any interested persons of any public hearing or other decision-making proceedings prior to decision-making and supplement this notification with informal notice to all interested persons or groups having requested notice in advance.

Basic Requirements – Notice and Agenda

- **Publication** (notice of time and place of hearing, agenda) must occur *reasonable period* before the meeting – “rule of thumb” is 48 hours but think of that as the minimum; the time provided must relate to the nature and extent of the information being considered.
- **New items** should not be added to the agenda at the hearing but carried over to the next regularly scheduled meeting, or special meeting with notice. Important role of the chair to control discussion of new items.
- Public should have the opportunity to obtain information related to every agenda item when notice is published (decision-makers and public should be on equal footing with respect to participation in the decision).
- **Consent agendas** should be treated as part of regular agenda with respect to notice and open meetings; however there is no expectation of board discussion or public comment – items should not be of significant interest to the public and no discussion or comment may take place.

Basic Requirements – Public Comment

- Provide opportunity for public comment on each agenda item.
- Some agencies limit comment period allowed for each speaker, but there is no court decision on if these limitations are legal.
- Public must be given opportunity to comment on items that are not on the agenda (usually done at the beginning of the meeting).

Montana Public Records Act

- “Public information” subject to disclosure - information prepared, owned, used, or retained by any public agency related to the transaction of official business, regardless of form
- Every *person* has a right to examine and obtain a copy of any public information of this state
- Agencies must adopt and follow records retention schedules (most Coal Board grant and program-related records are kept for 5 years after project is closed)

What is Protected from Disclosure?

- “Confidential information”
 - Individual privacy clearly outweighs merits of disclosure
 - Related to judicial deliberations in adversarial proceedings
 - Necessary to maintain security of state facilities or information systems; and
 - Designated as confidential by other statute or court order (tax records, HIPAA, Trade Secrets, etc.)
- Agencies may not distribute or sell a distribution list without permission of those on the list, and may not use a distribution list prepared by another agency without first securing the permission of those on the list
 - Does not apply to lists of individuals who sign attendance or sign-in sheets at an agency hearing or meeting
- Closed meeting minutes are excluded from public disclosure requirements

What is Protected from Disclosure?

- Agencies must adopt procedures to ensure unencrypted “personal information” is protected from disclosure
- “Personal information” is first and last name with one or more of the following:
 - Social security number, EIN, or personal ID number from IRS
 - Driver’s license number
 - State or tribal ID card number
 - Credit or other account number with password or security code permitting access to that account; or
 - Medical record information

What is Protected from Disclosure?

- ❑ Department will continue to use Non-Disclosure Agreements to provide process for protecting confidential business information, trade secrets, etc.
- ❑ Applicant provides affidavit specifically identifying confidential documents or portions thereof
- ❑ If request for identified information is received, Department gives 10 days notice to applicant to obtain court order protecting the information. If no court order, information is released.
- ❑ The court, not the agency, determines if information is public or confidential

What is the Process?

- Upon receiving request for information, public agency must:
 - Make the information available for inspection and copying; OR
 - If the information cannot be readily identified and gathered, provide the person with an estimate of time to fulfill the request and any fees that may be charged to cover actual costs.
- Agency is not required to alter or customize information in any form specified by the requester, but may do so and charge a fee for such work
- If agency denies a request for information, must provide written explanation. Denial or failure to provide estimated time to fulfill request provides immediate standing for requester to file complaint in district court and, if prevails, may be awarded costs and attorney fees.

Department Guidelines – Access to Information

- **Public inspection** – all files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with established Department policy.
- These files are located at the Department office in Helena.
- Copies of specific documents must be available either free or for a reasonable copying charge plus employee time.

Questions and Answers

What are the two different types of public comment you must allow at a public meeting?

1) Comment on each item on the agenda; 2) comment on items not on the agenda

When must a public meeting be open?

Always.

When must a public meeting be noticed and public participation allowed?

When the agency is making a decision on item of “significant interest to the public”

How much time before a meeting must it be noticed?

Must be “reasonable,” rule of thumb is 48 hours

Questions and Answers

Mary sends an email to her fellow public agency board members about information she's learned from her friend about an item that is noticed for the Board's meeting in two days. Joe and Jim both "reply to all," each giving their thoughts about the item and the information Mary provided. Has any law been violated? How many times?

Yes, open public meeting law AND public participation act.

3 times for each; Mary's email to all, Joe's email to all, Jim's email to all.

What constitutes a public meeting?

A convening of a quorum of the constituent members of a public agency to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power.

Questions

Non-State Employee Use of MT State Email Resources

2018.June

***** Outline of Topics to Be Addressed *****

a) Introduction Information

This document is for non-employees using Montana State Government's exchange email system. This resource is extended to non-employees for their use due to their special role, such as official board or commission membership at the special request of an authorizing official. Use of this email account is administered in compliance with all Montana State Informational Technology Standards and policies.

Although you will receive personal training, please review the entire contents of this document.

b) State Policies related to email use security

- a. Acceptable Use Policy and Signature Form -
<http://doc.commerce.mt.gov/Portals/18/shared/DO/docs/IT/PoliciesForms/AcceptableUseofITResources.pdf>
- b. Single ID, not sharing of passwords
- c. Limit use to work related activities only
- d. Archive facility (extra storage beyond your reg email)
- e. Data loss prevention, sensitive information
- f. Appropriate use

c) Minimum hardware/software requirements

Operating System minimum Windows 8.1 or Windows 10
Browsers Internet Explorer 11, Edge, or Chrome

d) 'How-to' Information

This assumes the reader has:

- a) Submitted the contract information form used for establishing this email account

Open your browser (Internet Explorer, Chrome...) and navigate to the following link:

<http://mt.gov/employee/>

In the Web Mail frame, click on the 'Login' link. The log in screen will appear.

In the User name field, type in: state\cc0000 (the '0000' is your personal 'cc' network identification number).

In the password field, enter your state password. Click OK.

When you are finished reading your email, choose Log Off which is in the upper-right corner of your email screen at the drop down next to your name. Then close the browser.

e) Best practices or other helpful information

Passwords:

Passwords are set to require change every 60 days.

State Policy states *"all user passwords are to be at least 8 characters in length, contain at least one number, at least one capital letter and at least one lower case letter. More than 3 consecutive characters or numbers are not permitted in a password."*

To change your password:

In the upper right side of your screen in Web Mail, click on the Settings icon then select change password. When you have created your new password, click on the Save button.

Commerce does not allow the use of Personal folders (pst) in Webmail. Your State email box is limited to 250 MB although if you utilize the Email Archive, it does not use any of your mailbox storage limit. Email Archive will allow you to access your stored email messages anywhere you can log into your State email account. The archive is backed up on a regular basis.

f) Trouble Shooting – What to do when problems arise

Please remember that our preferred method of communication for reporting problems is via an email sent to **DOC IT Helpdesk**. In an emergency or lack of email capability, the following staff may be contacted directly.

Jodee Prevel	841-2869	Community Development
Linda Sharkey	841-2726	Director's Office
Sue Leferink	841-2721	Director's Office
Terry Meagher	841-2722	Director's Office



SERVING MONTANA

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DEC. 2016

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Boards, Councils and Commissions - Every board is unique in its purpose, authority, membership and mission. Becoming familiar with your board type and mission will help you be successful. Staff with your board, council and commission should provide specific orientation materials and any applicable forms. You can always contact staff with your board or the Governor's office for additional information.

Montana State Government – Every board, council or commission is attached to some branch of government, Executive, Legislative or Judicial. In the Executive Branch, there are agencies and every board is attached to an agency for management or administration.

Quasi-Judicial Boards – These boards make independent decisions and have unique governing structures. While many of them are allowed to make their own decisions, in most cases agency attorneys will still advise and direct quasi-judicial boards to ensure they are making decisions within their jurisdiction.

Advisory Councils – Advisory Councils are simply that, advisory in nature. They exist to advise their respective agency, department, elected official, etc. They typically do not direct staff, make binding decisions or set policy.

Authority to Act – Authority, when given, is always given to a board as a whole, not an individual. A board's majority must agree on a course of action, and individual members may not act without prior approval of the board as a whole.

Confidentiality – Montana Constitution balances the public's right to know with an individual's right to privacy. As a board member it is important to understand what issues are required to be reviewed in public and which issues to maintain confidentiality. Staff with your board can assist with any questions you might have.

MESSAGE FROM THE GOVERNOR

Welcome to state service. Your pledge to serve the state is appreciated and together we will keep Montana the best place to live, learn, raise a family and run a business. I look forward to working together and am excited to see the great work you do.

STEVE BULLOCK
Governor

PUBLIC SERVICE

Public service is something we are all committed to and requires a unique set of skills and communication. In order to participate effectively, the following set of skills can be most useful: serve the public's interest first; perform your duties openly with the public; attend meetings regularly; come prepared; communicate; and have respect for others. Life, family, career and other obstacles can sometimes present themselves. If you feel you can no longer serve your board effectively, please contact the Governor's Office to make alternative arrangements.

Right of Participation – The Montana Constitution allows the public the right to access and the opportunity to participate in government.

Right to Know – The Constitution also allows the public to review documents and the deliberations of public bodies, except in cases where the demand of individual privacy clearly exceeds the merits of disclosure.

Open Government – Under Montana law, all meetings are open to the public regardless of the nature of the issues being discussed.

Closing Meetings – There are some boards who deal with cases or information where the right to individual privacy outweighs the public's right to know. Some examples include personnel reviews, medical case files or accusations of misconduct. In all such cases staff with your agency will work with the board Chair to determine which portions of a meeting are conducted in closed session.

Communicating by Email – Meetings are required to be public anytime a quorum is present, and in small groups this can sometimes occur by email or phone conference. Make sure to respect the public's right to participate and know that even email communication can be subject to public review and scrutiny.

Ethics – As a public officer, you are required to following the state of Montana's code of ethics and conduct. When a personal or professional conflict arises in your work, it may be necessary to withdraw a vote or disclose said conflict. Substantial gifts are not allowed, and that includes anything valued over \$50. Confidential information may not be used for personal economic gain. Public property of the state may not be used in the benefit of private business. Proof of an ethics violation may be grounds for removal.

Safety and Threats – While extremely rare, sometimes the public may become incensed over an action or comment made by a board member. The public has the right to voice their disagreement, but you have the right to feel safe while serving. If you ever encounter a scenario where you no longer feel safe or have received threats of harm against yourself or others, please notify both your local law enforcement as well as the staff at your board, council or commission.

BOARD BUSINESS AND LEADERSHIP

Quorum – Typically a majority of membership constitutes a quorum, which is the minimum number of members who are required to be present in order to do any business. Check with your staff to determine if any special rules dictate your boards' quorum requirements, and some boards differ.

Typical Meetings – While now two meetings tend to be the same, all public meetings tend to follow similar protocol, most following Roberts Rule of Order. Many start with a call to order, a roll call/attendance, approval of past minutes, reports from officers, staff, standing committees, new business, public comment, announcements and adjournment.

Presiding Officer or Chair – All boards have a presiding officer or Chair. In some cases, the Governor selects this person, in others the board votes to select this person. Regardless of how they are chosen, many share the same responsibilities. Chairs work with the staff to prepare agendas and schedules, and they run the meeting. Chairs must balance their role to guide the meeting with that of a board member to remain engaged in the meeting. Between meetings Chairs may do additional work to prepare the board and staff for future meetings or on projects as necessary.

TIPS FOR CHAIRS:

- **Time Management** – Keep members and the public on schedule.
- **Agenda** – Keep members' and public comments to the approved agenda items and topics.
- **Respectful** – Keep comments, meetings and all discussions respectful.
- **Staffing** – Provide services or other assistance to staff as they help your board by taking meeting minutes or other services for your meeting.
- **Open Meetings** – Ensure the public has the right to participate and that they introduce themselves when presenting or commenting.
- **Motions** – Advise members when they need to clarify or adjust motions, when necessary.
- **Rules** – Ensure the meeting follows applicable rules for process to keep order.
- **Voting** – Keep discussion on the motion at hand, and follow general procedures which typically include a motion, a second, discussion and then a vote by members.
- **Recusal** – When a Chair needs to leave early or has a conflict of interest, they may recuse themselves and the position by assigning it to their Vice Chair or another member, as guided by their rules.

LEGISLATIVE COMMUNICATIONS

Every legislative session many board members get involved in the legislative process. The most important distinction is to know whether you are participating as a private citizen or in your capacity as a board member. In order to participate and introduce yourself as representing your board, you must follow specific approval steps.

Governor's Role – The Governor is the Chief Executive of the Executive Branch and is responsible for formulating and administering all of the policies of the Executive Branch and this includes all budgets, policies and priorities. This includes boards connected to the Executive Branch. He and his office work diligently to coordinate these efforts both within and across all state agencies. Boards must work with their agency structure to coordinate all legislation and lobbying efforts.

Boards' Role – The most common role boards play is to advocate for bills correcting program defects, fixing statutory problems, resolving conflicts or supporting improvements in their area of expertise. Less frequently, they may become involved in controversial bills. In cases where conflict exists between boards, agencies or other policies, the Governor is empowered to resolve the conflict and make the final decision prior to legislative lobbying.

Approval – Boards must work through public meeting rules to allow public input on bills of interest. Also a vote of approval must take place for a board to move forward in the approval process. A majority must support a bill, either specifically, or a concept generally to allow some flexibility in the legislative process. Then they must seek agency approval. Again, agencies and the Executive Branch work to coordinate all efforts, so this is to ensure there aren't duplicative or conflicting efforts.

Testimony – All board members should only give testimony that is factual, relevant and informative, and approved by their board. This information should be well understood and presented in a way that does not create conflict, confusion or surprise. They should introduce themselves as representing their board. There are times when a board member may disagree with the approved position of a majority of their board. Should they choose, these board member(s) may appear and testify on their own behalf, but must state definitively that their views are not shared by their board and they are not eligible for any official support or reimbursements for doing so.

Advisory Councils – Advisory Council members are rarely approved to testify at the Legislature. As their service is advisory in nature, if their policy direction is adopted, an agency will pursue the legislation with that recommendation. Some may be asked to participate and with agency approval may do so. If approved, this testimony should also be simply advisory and a summary of what the Council may have advised their agency.

MEDIA COMMUNICATIONS

Media can often attend meetings and report on statements, debates and actions taken by you and your board, council and commission. These members of the media may also contact you directly about your appointment, decisions and statements made. Public officials are expected to treat members of the media with respect and honesty.

As a board member you have the support of staff at your board, council or commission. You are encouraged to let them know if media contact you outside of a meeting either for assistance with a response or as an informational update so they can keep other board members, the agency and the Governor's office informed of current and potential news stories.

Some quick tips to consider:

- Always ensure your interactions with the media are respectful.
- You have the right to not comment and/or request to have another person complete the conversation (staff or another board member).
- Your staff is available and wants to help you and the board be represented well in the media.
- You must follow all confidentiality rules as they apply to your work.
- If you are speaking on behalf of your board, please ensure you have the approval and support of your board along with an approved response.

ADDITIONAL RESOURCES

Governor's Office: www.governor.mt.gov

Boards and Appointments: www.boards.mt.gov

State Government: www.mt.gov

Montana State University's Burton K. Wheeler Center: www.wheelercenter.org

Montana State Legislature and Montana Code: www.leg.mt.gov

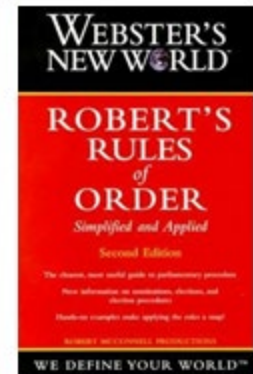
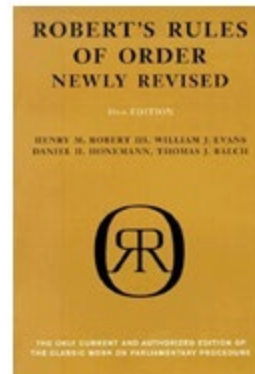
Commissioner of Political Practices: www.politicalpractices.mt.gov

Administrative Rules: www.mtrules.org

Secretary of State: www.sos.mt.gov

State of Montana Ethics Guidelines: www.hr.mt.gov

The Basics of Robert's Rules of Order



presented by
Jane Rhodes

State Human Resources Division • PO Box 200127 • Helena, MT 59620-0127 • (406) 444-3871

<http://pdc.mt.gov>

Professional
Development
Center



Purpose of Robert's Rules of Order

... based on **common sense** and **logic**...

The rules protect:

- (a) the rights of the majority to decide
- (b) the rights of the minority to be heard
- (c) the rights of individual members
- (d) the rights of absentees



1876: General Henry Robert
Wrote a standard form of rules
based on the rules of Congress

The Ten Basic Rules

1. The rights of the organization supersede the rights of the individual.
2. All members are equal with equal rights.
3. A quorum must be present to do business.
4. A simple majority rules unless otherwise stipulated in the bylaws.
5. Silence means consent.
6. Two-thirds vote rule – necessary when limiting or taking away the rights of members
7. One question at a time - one speaker at a time
8. Motions must receive full debate – no motion to vote may be made if members wish to continue debate unless 2/3 agree
9. Once a decision is made, an identical motion may not be brought forward at the same meeting.
10. Personal remarks in a debate are **ALWAYS** out of order.

★ Order under fire ★

- ◆ Federal, state, and local laws
- ◆ Parent organization
- ◆ Adopted special rules of order
- ◆ Adopted parliamentary authority

***Remember:** Robert's Rules of Order never supersede federal, state, or local laws that govern meetings. They do not supersede by-laws of organizations, but serve as a guide to running effective meetings. If an organization's by-laws follow Robert's Rules of Order as their parliamentary authority, then those rules apply as long as they are not in conflict with law.*

Classes of Motions

1. Main Motion
 2. Subsidiary Motion
 3. Privileged Motion
 4. Incidental Motion
 5. Bring a Question Again Before an Assembly
- } Secondary Motions



Main Motions

- ◆ Brings new business before the assembly
- ◆ Needs a second, is debatable and amendable, requires a majority vote to adopt
- ◆ Motion is phrased in the positive
- ◆ A motion contains:
 - * **Who:** the maker of the motion
 - * **What:** the action to be taken
 - * **When:** the timeframe for action taken
- ◆ Once made and seconded, action is taken before another motion is considered.
- ◆ **Order of precedence:** the lowest ranking of all motions.

Majority Vote Defined . . . more than half of the members voting at a meeting with a quorum present.

“Majority of those voting”

12 members on the board
10 members attend
9 members vote; one abstains
5 members pass a motion

“Majority of those present”

12 members on the board
10 members attend
9 members vote; one abstains
6 members pass a motion

“Majority of the entire membership”

12 members on the board
10 members attend
9 members vote; one abstains
7 members pass a motion

Subsidiary Motions - change or dispose of motions

- ◆ **Postpone Indefinitely** – used to kill a motion – taking no position, the motion dies
- ◆ **Amend** - adding or striking words to the motion
- ◆ **Refer to a Committee** – call a committee to investigate a proposal
- ◆ **Committee of the Whole** –members speak unlimited number of times, vote later
- ◆ **Postpone Definitely** – delay a decision to a later time
- ◆ **Previous Question (Close Debate)** – stops debate and calls for an immediate vote
- ◆ **Lay on the Table** – defers a motion for a more pressing matter

Amendments to motions --- *must be . . .*

An amendment must be germane to the motion to be in order.

- ◆ clearer for the reader
- ◆ more complete
- ◆ more acceptable to the membership

Ways to amend a motion:

Add or strike out words
Substitute words or paragraphs

Privileged Motions – not related to main motion, but to matters of immediate importance arising in meetings

Call for Orders of the Day – call to conform to order of business/agenda

Raise a Question of Privilege–relates to immediate rights of a member

Member: “Madam President, I rise to a question of privilege concerning the assembly.”

President: “Please state your question.”

Member: “It is too hot in here. Can we have the heat turned down?”

For executive sessions:

Member: “Chairman Smith, I rise to a question of privilege to make a motion.”

President: “Please state your motion.”

Member: “I move that we go into executive session to discuss this issue.”

President: “The chair rules that the question is one of privilege to be entertained immediately. Is there a second?”

Member 2: Second

President: “It is moved and seconded to go into executive session. Is there any discussion?”

Recess – short intermission

Adjourn – end a meeting immediately

Incidental Motions – when procedural questions arise

- ◆ **Point of Order** – correct a breach in rules
- ◆ **Appeal the Ruling of the Chair** – disagree with the ruling of the chair
- ◆ **Division of the Assembly** – to call for a revote when member doubts results
- ◆ **Suspend the Rules** – set aside a parliamentary rule that does not violate by-laws
- ◆ **Division of the Question** – divide motion into smaller topics



“We will conduct this meeting according to Robert’s Rules of Order “and if need be, the Marquis of Queensbury’s Rules!”

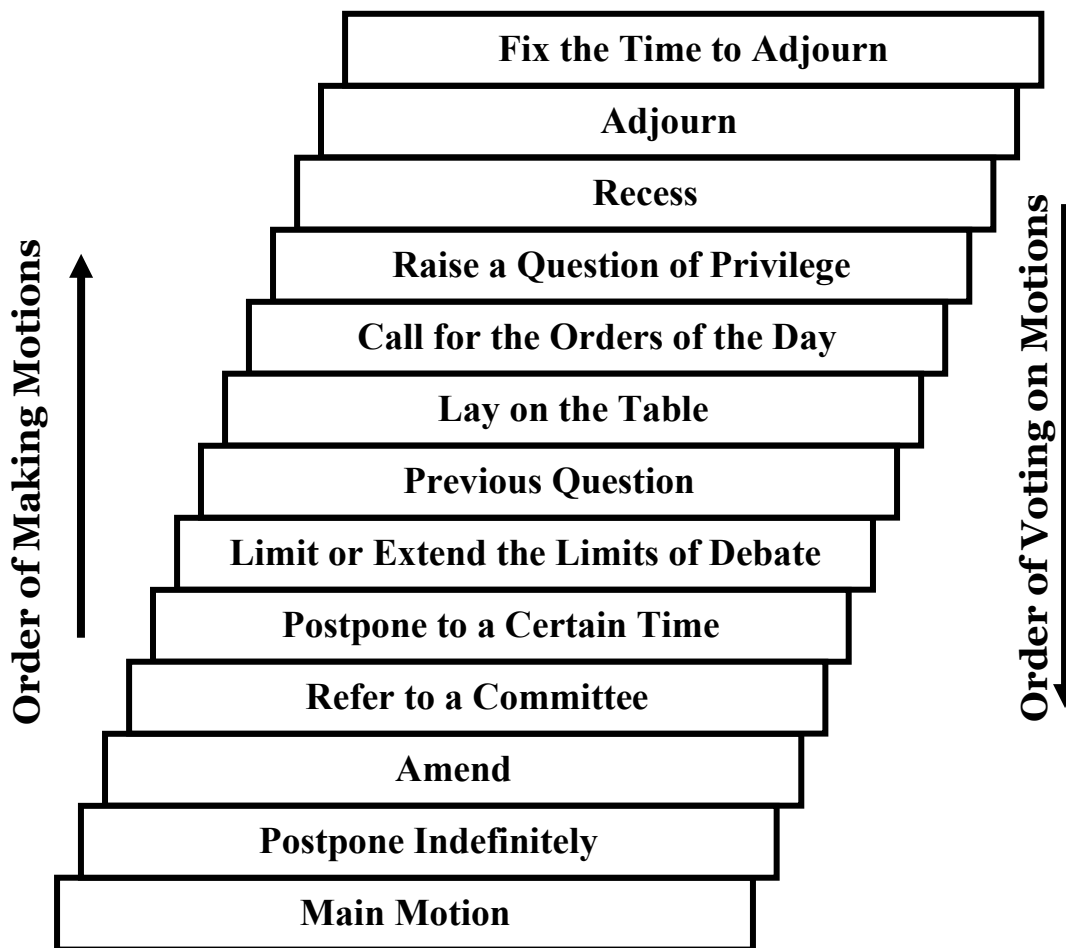
General Consent - for noncontroversial issues, such as

- ◆ Paying bills
- ◆ Approving minutes
- ◆ Answering correspondence
- ◆ Closing nominations
- ◆ Considering reports and recommendations
- ◆ Adjourning

To determine **general consent** the chairman says,

“If there are no objections, we will . . .” or “Hearing no objections, we will. . .”

Ladder of Motions in Order of Rank



Making a Motion

1. Rise and address the chair - "Mr. /Madam President. . ."
2. The chair recognizes you (by name or nod)
3. State the motion: "I move that ..." or "I move to ..."
4. Must be seconded by another member.
5. The chair restates the motion and places it before the assembly: "It is moved and seconded thatIs there any discussion?"
6. Members discuss the motion by addressing the chair, and being assigned the floor to speak. The person who **makes the motion** has **the first right** to speak to the motion.
7. After the debate, the chair puts the motion to a vote.
8. After the vote is taken, the chair rules which side won the vote.

By-Laws – the most important document of the organization



Composition:

- ◆ Name of the organization
- ◆ Object or purpose
- ◆ Members (active, inactive, honorary)
- ◆ Officers (list, term of office, eligibility)
- ◆ Meetings (sets the day, defines a quorum, provisions for calling a special meeting, nomination process)
- ◆ Executive Board
- ◆ Committees (identifies standing committees)
- ◆ Parliamentary authority (which parliamentary authority is used/ which edition)
- ◆ Amendments (provides for a means for making changes to the bylaws)

Informal Meetings – specifically for boards and committees whose membership is under 12

- ◆ Presiding officer is generally seated to put motions to a vote
- ◆ Members do not have to rise to address the chair
- ◆ Members may speak any number of times, and usually no motion is required to close debate
- ◆ Chair may enter into the discussion and make motions unless board rules dictate otherwise.

Proxy Voting

- ◆ Do your bylaws provide for proxy voting?
- ◆ Are proxies counted in the quorum and how?
- ◆ Will the proxy be a general proxy or a limited proxy?

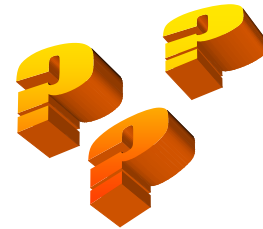
General proxy –person holding the proxy voted as he/she sees fit on all issues and motions (discretion to cast a vote based on information discussed in the meeting)

As you consider allowing proxies, remember why organizations have meetings –so members can meet face to face, discuss and debate issues, and arrive at a reasonable agreement through a vote.

Limited proxy – signed proxy where the signer stipulates the way that the holder must vote on specific issues

- ◆ Who is in charge of validating the proxy?
- ◆ What is the procedure for counting the proxies with voting members present?
- ◆ Is the proxy valid for one meeting, or does it expire after a short period of time?
- ◆ Is the proxy revocable?

Frequently Asked Questions



1. Do members have the right to explain their vote during voting?
2. Can the chairman vote?
3. Can a member vote on or second a motion to approve the minutes of a meeting that he/she did not attend?
4. If a motion has been defeated, can it be brought up again at the next meeting?
5. Can a meeting be adjourned if there is still business pending?
6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?
7. Are abstentions counted as votes in determining the winner of an election requiring a majority?
8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?
10. What happens when the president's vote causes a tie? How is the matter resolved?
11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?
12. Can the board limit the debate on an issue?
13. What is a majority? Fifty-one percent? Fifty percent plus one?
14. What is a vote of "no confidence"?

Terms

Adjournment

- to end a meeting immediately

Amend

- modifies a motion by adding or striking words

Appeal the Ruling of the Chair

- disagreement with the Chair's ruling

Close Nominations

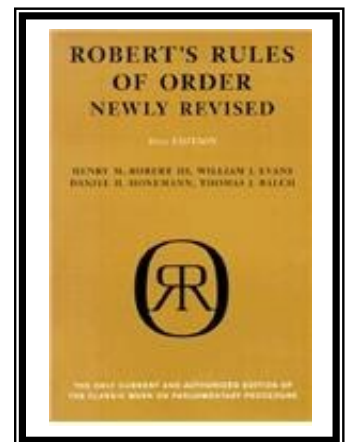
- to close the nomination and take a vote immediately – It is "not in order" when someone else has the floor.

Discharge Committee (without notice)

- For the assembly to take a matter out of the hands of a committee before its report is given so that the assembly can decide (requires a 2/3 or majority vote)

Incidental Motions

- When questions are raised about the pending business or how to address the pending business



Lay on the Table

- Used to temporarily set a pending main motion aside in favor of a more pressing matter of business; the motion is reconsidered during the same meeting

Limit or Extend Debate

- To put a time limit on debate

Example: "I move that at 3 p.m., debate is closed and the vote is taken."

Main Motion

- Motions that bring business to the table

Object to Consideration of a Question

- To prevent the main motion from being considered (may be embarrassing)

Example: "Mr. /Madam President, I object to the consideration of the question."
(Immediate vote taken)

Point of Order

- to correct a breach in the rules

Example: "I rise to a point of order." After being acknowledged by the Chair, "There is no longer a quorum present, and any business will be null and void."
- The chair can rule against a point of order.

Postpone Definitely

- a motion to postpone definitely defers a vote on the main motion until a specified time.

Postpone Indefinitely

- To kill a main motion for the duration of the meeting without taking a direct vote on it

Previous Question

- Often abused in meetings – the purpose is to stop debate immediately and take a vote.

Privileged Motion

- Does not relate to the pending motion, but are special matters of immediate importance arising in a meeting

Quorum

- It is the minimum number of voting members who must be present at a meeting in order to conduct business, usually specified by the bylaws. If not specified in the bylaws, then in most societies a quorum is a majority of the entire membership.

Raise a Question of Privilege

- permits a member to make a request or motion relating to the rights and privileges of the assembly.

Examples: “I rise to the question of privilege – ‘It is too hot in here; I can’t hear the speaker; I move we go into executive session to discuss the issue.’”

Recess

- to take a short intermission and then resume business (seconded, length amendable, majority vote)

Refer to Committee

- To have a small group investigate a proposal

Subsidiary Motion

- This motion helps move the main motion forward until the assembly arrives at its final decision

Suspend the Rules

- To set aside a rule of the assembly (except bylaws) – used primarily to take up a particular item of business out of regular agenda order (to take up a “new business” item before taking up unfinished business or vote immediately)

Examples: “I move to suspend the rules and take up the topic ‘to repair the gymnasium.’”
“I move to suspend the rules and agree to the resolution.”

Answers to Questions

1. Do members have the right to explain their vote during voting?

“No, it would be the same as debate at such a time.”

2. Can the chairman vote?

“If a member, the chairman has the right to vote. In large groups (more than 12), the chairman (who has a duty to maintain an appearance of impartiality) may vote when his vote would affect the outcome: to make or break a tie or to make or prevent a two-thirds vote.”

3. Can a member vote on or second a motion to approve the minutes of a meeting that he did not attend?

“Yes. There is no requirement in RRO that a member have first-hand

knowledge.” In fact, a motion need not be made to approve minutes. The chair says, “Are there any corrections to the minutes?” If any, the chair says, “If there are no further corrections to the minutes, they stand approved as corrected...” or if no corrections are offered, “If there are no corrections to the minutes, they stand approved as read... the next item of business is...” Note that there is no second involved in this process.”

4. If a motion has been defeated, can it be brought up again at the next meeting?

“Yes, if the meeting is a different session.”

5. Can a meeting be adjourned if there is still business pending?

“Yes.”

6. Can ex-officio members vote, and are they counted in determining whether a quorum is present?

“Yes, an ex-officio member has the same rights and privileges as all members unless limited by the by-laws.”

7. Are abstentions counted as votes in determining the winner of an election requiring a majority?

“No. Abstentions have no effect when the vote requirement is either a majority or two-thirds of the votes cast. If the vote requires a majority of the members present or of the entire membership, an abstention may have the same effect as a ‘no’ vote.”

8. Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

“No. a member noticing the absence of a quorum should make a point of order.”

9. If a motion is before the assembly, can the assembly require more than a majority in order for the motion to be approved?

“To change the vote requirement, someone must make a motion to “suspend the rules.” Must be seconded and requires a 2/3 vote.”

10. What happens when the president’s vote causes a tie? How is the matter resolved?

“The motion is defeated. A motion to reconsider the vote may be made by someone on the prevailing side. Needs a majority vote.”

11. Does a chairman of the board of directors have the authority to refuse to let an issue come before the board?

“No. the chairman can rule a motion “out of order” if it conflicts with bylaws or he/she may “object to consideration of the question,” but the motion still comes before the board.”

12. Can the board limit the debate on an issue?

“Yes, by making a motion to limit debate. Requires a second and may be amended. Needs a 2/3 vote.”

13. What is a majority? Fifty-one percent? Fifty percent plus one?

“The word “majority” means “more than half.” The false definition “51%” only applies to units of exactly 100; the false definition of “50% + 1” is only true for even numbers, and false for odd numbers. RONR (10th ed.) pp. 387

14. What is a vote of “no confidence”?

“The term is not used or defined in RONR. An assembly can adopt a motion expressing a lack of confidence in its officers, boards, or committees. Made by “main motion,” but has no effect except to express the assembly's views. A vote of “no confidence” does not - as it does in the British Parliament - remove an officer from office.

Summary of Motions - Robert's Rules of Order

Motion	Remarks	Phrasing	Second	Debate	Amend	Vote
➔	Secondary Motions: Privileged	Do not relate to main motion, but to matters of immediate importance arising from meetings				
Call for Orders of the Day	To make the assembly conform to the agenda or order of business	Member: "I call for the orders of the day."	No	No	No	No vote unless to set aside "orders of the day"
Raise a Question of Privilege	Member makes a request relating to the rights of the member immediately	"Mr. President, I rise to a question of privilege." Chair: "Please state the question." Member: "I can't hear the speaker."	No	No	No	Chair Rules
Recess	For a short intermission	" I move to take a ten-minute recess."	Yes	No	Yes	Majority
Adjourn	To end a meeting immediately	Note reason. . ."I move to adjourn."	Yes	No	No	Majority
➔	Secondary Motions: Incidental	Deals with questions of procedure arising from pending business - Does not affect the business				
Point of Order	Used to remind or question the Chair of the by-laws or rules of order.	"I rise to a point of order" (await recognition of chair, state reason)	Yes	No	No	Chair Rules
Appeal Rule of the Chair	To disagree with the chair's ruling - Let members decide the disagreement	"I appeal the decision of the Chair."	Yes	Yes	No	Majority
Division of the Assembly	To doubt the result of the vote	"I call for a division of the vote." or "I doubt the result of the vote."	No	No	No	Vote retaken
Suspend the Rules	To set aside the rule of the assembly (except by-laws, charters) to speed up the process	"I move to suspend the rules."	Yes	No	No	Two-thirds
Division of the Question	To divide a motion with several topics into separate motions	"Madam President, I move to divide the motion into three parts."	Yes	No	Yes	Majority
➔	Motion that brings question again before assembly	This class of motions returns a motion to the assembly for reconsideration				
Take from the Table	To take a motion from the table	"I move to take from the table the motion relating to the pay increase."	Yes	No	No	Majority
Reconsider	To reconsider the vote on a motion - Only a member who voted on the prevailing side can make the motion	"I move to reconsider . . ."	Yes	If the motion is debatable	No	Majority

MCA Contents / TITLE 90 / CHAPTER 6 / Part 3

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 3. Hard-Rock Mining Impact

90-6-301 Declaration of necessity and purpose

90-6-302 Definitions

90-6-303 Presiding officer -- meetings -- facilities -- funding

90-6-304 Accounts established

90-6-305 Hard-rock mining impact board -- general powers

90-6-306 Repealed

90-6-307 Impact plan to be submitted

90-6-308 Permit procedure and review of impact plan to run concurrently

90-6-309 Tax prepayment -- large-scale mineral development

90-6-310 Local government facility impact bonds

90-6-311 Impact plan amendments

90-6-312 through 90-6-320 reserved


90-6-321 Repealed

90-6-322 Repealed

90-6-323 Local government budget authority

90-6-324 through 90-6-330 reserved

90-6-331 Payment to counties -- statutory appropriation

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MCA Contents / TITLE 90 / CHAPTER 6 / Part 4

Montana Code Annotated 2017

TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT

CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT

Part 4. Hard-Rock Mining Impact Property Tax Base Sharing


90-6-401 Declaration of necessity and purpose

90-6-402 Definitions

90-6-403 Jurisdictional revenue disparity -- conditioned exemption and reallocation of certain taxable valuation

90-6-404 Allocation of taxable valuation for local taxation purposes

90-6-405 Employee surveys

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**TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT**

Part 3. Hard-Rock Mining Impact

90-6-301. Declaration of necessity and purpose. The large-scale development of mineral deposits in the state may cause an influx of people directly related to the area of the development. This influx of people and the corresponding increase in demand for local government facilities and services may create a burden on the local taxpayer. There is a significant lag time between the time when additional facilities and services must be provided and the time when additional tax revenue is available as a result of the increased tax base. In addition, local government units in whatever jurisdiction the development is not located may receive substantial adverse economic impacts without benefit of a major increased tax base in the future. There is therefore a need to provide a system to assist local government units in meeting the initial financial impact of large-scale mineral development.

History: En. Sec. 2, Ch. 617, L. 1981; amd. Sec. 2, Ch. 311, L. 1987.

90-6-302. Definitions. In this part, the following definitions apply:

(1) "Board" means the hard-rock mining impact board established in [2-15-1822](#).

(2) "Bonds" include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates, and all instruments or obligations evidencing or representing indebtedness or evidencing or representing the borrowing of money or evidencing or representing a charge, lien, or encumbrance on specific revenue, special assessments, income, or property of a political subdivision, including all instruments or obligations payable from a special fund.

(3) "Facility" means a facility that is owned, operated, or maintained by a local government unit and that, under the impact plan submitted under the provisions of [90-6-307](#), can be expected to have increased capital and operating costs as a result of the large-scale mineral development.

(4) "Large-scale mineral development" means the construction or operation of a hard-rock mine and the associated milling facility for which a permit is applied for under [82-4-335](#), and for which the average number of persons on the payroll of the mineral developer and of contractors at the mineral development exceeds or is projected to exceed 75 for any consecutive 6-month period. A mining operation that would qualify as a large-scale mineral development under this subsection is not a large-scale mineral development if the mine owner and operator are small miners as defined in [82-4-303](#).

(5) "Local government unit" means a county, city, town, school district, or any of the following independent special districts:

- (a) rural fire district;
- (b) public hospital district;
- (c) solid waste management district;
- (d) county water and sewer district;
- (e) county water district;
- (f) county sewer district; or
- (g) park district.

(6) (a) "Property tax prepayment" means a potentially reimbursable impact payment made by the developer of a large-scale mineral development to the impact fund of an affected unit of local government pursuant to an approved impact plan to be expended for the purpose or purposes identified in the plan.

(b) The term does not mean a payment or prepayment of property taxes for general distribution among funds or accounts.

History: En. Sec. 3, Ch. 617, L. 1981; amd. Sec. 8, Ch. 453, L. 1985; amd. Sec. 4, Ch. 582, L. 1985; amd. Sec. 1, Ch. 227, L. 1991; amd. Sec. 2, Ch. 464, L. 1999; amd. Sec. 82, Ch. 7, L. 2001.

90-6-303. Presiding officer -- meetings -- facilities -- funding. (1) The board shall elect a presiding officer from among its members.

(2) The board shall meet as necessary or as called by the presiding officer or a majority of the members.

(3) The board is allocated to the department of commerce for administrative purposes only as provided in [2-15-121](#).

(4) The administrative and operating expenses of the board must be paid from revenue deposited to the credit of the hard-rock mining impact trust account from the license tax on metal mines imposed under Title 15, chapter 37.

History: En. Sec. 4, Ch. 617, L. 1981; amd. Sec. 7, Ch. 619, L. 1983; amd. Sec. 2875, Ch. 56, L. 2009.

90-6-304. (Temporary) Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in [90-6-307](#). The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve amount not to exceed \$100,000.

(a) Money within the hard-rock mining impact trust account may be used:

(i) for the administrative and operating expenses of the board, as provided by [90-6-303](#)(4);

(ii) to establish and maintain the reserve amount; and

(iii) for distribution to the counties of origin, as provided by [90-6-331](#) and this section.

(b) Money within the hard-rock mining impact trust account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under [15-37-117](#)(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial responsibilities under [90-6-307](#), [90-6-311](#), or [90-6-403](#)(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of [15-37-117](#). After first deducting the administrative and operating expenses of the board, as provided in [90-6-303](#), and then establishing and maintaining the reserve amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. (*Terminates June 30, 2019--sec. 5, Ch. 442, L. 2009.*)

90-6-304. (Effective July 1, 2027) . Accounts established. (1) There is within the state agency fund type a hard-rock mining impact account. Money is payable into this account from payments made by a mining developer in compliance with the written guarantee from the developer to meet the increased costs of public services and facilities as specified in the impact plan provided for in [90-6-307](#). The state treasurer shall draw warrants from this account upon order of the board.

(2) There is within the state special revenue fund a hard-rock mining impact trust account. Within this trust account, there is established a reserve amount not to exceed \$100,000.

(a) Money within the hard-rock mining impact trust account may be used:

(i) for the administrative and operating expenses of the board, as provided by [90-6-303](#)(4);

(ii) to establish and maintain the reserve amount; and

(iii) for distribution to the counties of origin, as provided by [90-6-331](#) and this section.

(b) Money within the hard-rock mining impact trust account may be used for the administrative and operating expenses of the board if:

(i) the revenue provided under [15-37-117](#)(1)(b) is less than the amount appropriated for the administrative and operating expenses of the board; or

(ii) the use of the reserve amount of revenue is necessary to allow the board to meet its quasi-judicial responsibilities under [90-6-307](#), [90-6-311](#), or [90-6-403](#)(3).

(3) Money is payable into the hard-rock mining impact trust account under the provisions of [15-37-117](#). After first deducting the administrative and operating expenses of the board, as provided in [90-6-303](#), and then establishing and maintaining the reserve amount of \$100,000, as provided in subsection (2) of this section, the remaining money must be segregated within the account by county of origin. The state treasurer shall draw warrants from this account upon order of the board.

History: En. Sec. 5, Ch. 617, L. 1981; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 8, Ch. 619, L. 1983; amd. Sec. 14, Ch. 672, L. 1989; amd. Sec. 1, Ch. 616, L. 1991; amd. Sec. 55, Ch. 349, L. 1993; amd. Sec. 36, Ch. 389, L. 1999; amd. Sec. 4, Ch. 598, L. 2005; amd. Sec. 2, Ch. 442, L. 2009.

90-6-305. Hard-rock mining impact board -- general powers. (1) The board may:

(a) retain professional staff, including its administrative staff, and retain consultants and advisers, notwithstanding the provisions of [2-15-121](#);

(b) adopt rules governing its proceedings, determinations, and administration of this part;

(c) make payments to local government units from money paid to the hard-rock mining impact account as provided in [90-6-307](#);

(d) make determinations as provided in [90-6-307](#), [90-6-311](#), and [90-6-403](#)(3); and

(e) accept grants and other funds to be used in carrying out this part.

(2) The provisions of the Montana Administrative Procedure Act apply to the proceedings and determinations of the board.

History: En. Sec. 6, Ch. 617, L. 1981; amd. Sec. 2, Ch. 489, L. 1983; amd. Sec. 9, Ch. 619, L. 1983; amd. Sec. 15, Ch. 672, L. 1989; amd. Sec. 1, Ch. 376, L. 1991; amd. Sec. 11, Ch. 307, L. 2001.

90-6-307. Impact plan to be submitted. (1) After an application for a permit for a large-scale mineral development is made under [82-4-335](#), the person seeking the permit shall submit to the affected counties and the board an impact plan describing the economic impact the large-scale mineral development will have on local government units and shall file proof of the submission to the counties with the board. Whenever an environmental impact statement on the permit application is prepared under [75-1-201](#), the lead agency shall cooperate to the fullest extent practicable with the affected local government units to eliminate duplication of effort in data collection. The governing bodies of the affected counties shall publish notice of the submission of an impact plan at least once in a newspaper of general circulation in the county. The mineral developer and the affected local government units shall ensure that the impact plan includes:

(a) a timetable for development, including the opening date of the development and the estimated closing date;

(b) the estimated number of persons coming into the impacted area as a result of the development;

(c) the increased capital and operating cost to local government units for providing services that can be expected as a result of the development;

(d) the financial or other assistance that the developer will give to local government units to meet the increased need for services.

(2) In the impact plan, the developer shall commit itself to pay all of the increased capital and net operating cost to local government units that will be a result of the development, as identified in the impact plan, whether from tax prepayments, as provided in [90-6-309](#), special industrial local government facility impact bonds, as provided in [90-6-310](#), or other funds obtained from the developer, and shall provide a time schedule within which it will do so. The plan may provide for funding from other revenue sources or funding mechanisms if the developer guarantees that the amount to be provided from these sources will be paid.

(3) Upon request of the governing body of an affected unit of local government, the mineral developer, prior to the end of the 90-day review period, shall provide financial or other assistance as necessary to prepare for and evaluate the impact plan. The governing body of the affected county shall contract with the developer to obtain the requested financial assistance for each unit of local government within the county. Any disbursements to a unit of local government under this subsection must be credited against future tax liabilities, if any.

(4) The governing body of the county where the fiscal impacts on local government units are forecasted in the impact plan to be most costly shall, within 90 days after receipt of the impact plan from the developer, conduct a public hearing on the impact plan.

(5) An affected local government unit that has not been identified in an impact plan submitted to the board as being likely to experience increased capital and operating costs for providing services that can be expected as a result of the development may object to the impact plan under the provisions of this section if the local government unit clearly demonstrates that it is likely to experience increased capital and operating costs from the mineral development.

(6) An affected local government unit shall, within 90 days after receipt of the impact plan from the developer, notify the board in writing if that local government unit objects to the impact plan, specifying the reasons for the objection. During the 90-day period, an affected local government unit may petition for one 30-day extension by submitting a written request to the board stating the need and justification for the extension. The board shall grant the extension unless it finds that there is no reasonable basis for the request. If an objection is not received

within the 90-day period or any extension of the period, the impact plan is approved without any review by the board. An approved plan is binding and may only be altered under the amendment provisions of [90-6-311](#).

(7) If objections are received from a local government unit, the board shall, within 10 days, notify the developer and forward a copy of the local government unit's objections to the developer. The local government unit and the developer have 30 days, or a longer period if both the local government unit and the developer request an extension, to resolve the objection. If the objections are not resolved, the board shall conduct a hearing on the validity of the objections. The hearing must be held in the affected county or, if objections are received from local government units in more than one county, must be held in the county which, in the board's judgment, is more greatly affected. The provisions of the Montana Administrative Procedure Act apply to the conduct of the hearing. The impact plan filed by the developer does not carry a presumption of correctness at the hearing.

(8) Following the hearing, the board shall, within 60 days, make findings as to those portions of the impact plan that were objected to and, if appropriate, amend the impact plan accordingly. The findings and impact plan, as amended, must be served by the board upon all parties. A local government unit or the developer, if aggrieved by the decision of the board, is entitled to judicial review, as provided by Title 2, chapter 4, part 7, in the district court in and for the judicial district in which the hearing was held.

(9) The developer shall, within 30 days of receipt of the approved impact plan, provide the board with a written guaranty that the developer will meet the increased costs of public services and facilities as specified in the approved impact plan and according to the time schedule contained in the approved impact plan.

(10) The developer may make payments as specified in the approved impact plan directly to a local government unit or to the board. The governing body of a local government unit receiving payments shall deposit the payments into an impact fund. The developer and the affected governing body shall each issue to the board written verification of each payment and its intended use in compliance with the impact plan. The board shall deposit payments received from a developer into the hard-rock mining impact account established by [90-6-304](#).

(11) The board shall notify the department of environmental quality of its receipt of the written guaranty of payment and of any failure of the developer to comply with this section.

(12) Upon receipt of evidence that an affected local government unit identified in the approved impact plan is providing or is preparing to provide an additional service or facility provided for in the approved impact plan, the board shall, if the hard-rock mining impact account is used to deliver payments to the local government unit, pay to that local government unit, in one sum or in parts, the money from the hard-rock mining impact account identified in the plan as the increased cost to the local government unit of providing that public service or facility.

(13) If it is determined that an objection filed by an affected local government unit under subsections (5) and (6) or [90-6-311](#)(3) is valid and it results in some remedial order by the board or court of competent jurisdiction, the local government unit must be awarded and the developer shall pay reasonable costs and attorney fees associated with any administrative or judicial appeals filed under this section. Any attorney fees and costs awarded are in addition to any amounts paid by the developer under this part.

(14) Upon a determination by the department of environmental quality that a permittee under [82-4-335](#) has become or will become a large-scale mineral developer, the permittee may petition the board for a waiver of the impact plan requirement. The board may grant a waiver or

conditional waiver of this requirement only if it has provided notice and opportunity for hearing to the permittee and to all affected local government units. The board shall adopt criteria under which a waiver may be granted. A waiver issued by the board may be revoked as provided in the conditional waiver or if the permittee and contractors at the mineral development increase their payrolls from the date of the waiver by 75 or more persons. However, any revocation must be requested by an affected local government unit, and notice and opportunity for hearing must be given to the permittee and all affected local government units. The board shall notify the board of land commissioners of any waiver that has been revoked.

(15) When a person who holds an operating permit under [82-4-335](#) and who has filed an impact plan fails to comply with the review and implementation requirements in this part and part 4 of this chapter, the board shall certify to the board of land commissioners that the failure to comply has occurred and shall certify when a permittee who has previously failed to comply comes into compliance.

History: En. Sec. 8, Ch. 617, L. 1981; amd. Sec. 3, Ch. 489, L. 1983; amd. Sec. 4, Ch. 24, L. 1985; amd. Sec. 5, Ch. 582, L. 1985; amd. Sec. 3, Ch. 311, L. 1987; amd. Sec. 7, Ch. 227, L. 1991; amd. Sec. 496, Ch. 418, L. 1995.

90-6-308. Permit procedure and review of impact plan to run concurrently. It is intended that the procedure for fulfilling the permit requirement of [82-4-335](#) and the review of the impact plan by the board under [90-6-307](#)(5) and (6), if review occurs, are to run concurrently.

90-6-309. Tax prepayment -- large-scale mineral development. (1) After permission to commence operation is granted by the appropriate governmental agency and upon request of the governing body of a county in which a facility is to be located, a person intending to construct or locate a large-scale mineral development in this state shall prepay property taxes as specified in the impact plan. This prepayment must exclude the 6-mill university levy established under [15-10-108](#) and may exclude the mandatory county levies for the school BASE funding program established in [20-9-331](#) and [20-9-333](#).

(2) The person who is to prepay under this section is not obligated to prepay the entire amount established in subsection (1) at one time. Upon request of the governing body of an affected local government unit, the person shall prepay the amount shown to be needed from time to time as determined by the board.

(3) The person who is to prepay shall guarantee to the hard-rock mining impact board, through an appropriate financial institution, as may be required by the board, that property tax prepayments will be paid as needed for expenditures created by the impacts of the large-scale mineral development.

(4) When the mineral development facilities are completed and assessed by the department of revenue, they are subject during the first 3 years and thereafter to taxation as all other property similarly situated, except that in each year after the start of production, the local government unit that received a property tax prepayment shall provide for repayment of prepaid property taxes in accordance with subsection (5).

(5) A local government unit that received all or a portion of the property tax prepayment under this section shall provide for tax crediting as specified in the impact plan. The tax credit

allowed in any year may not, however, exceed the tax obligation of the developer for that year, and the time period for tax crediting is limited to the productive life of the mining operation.

History: En. Sec. 10, Ch. 617, L. 1981; amd. Sec. 4, Ch. 489, L. 1983; amd. Sec. 6, Ch. 582, L. 1985; amd. Sec. 48, Ch. 11, Sp. L. June 1989; amd. Sec. 55, Ch. 633, L. 1993; amd. Sec. 7, Ch. 57, L. 2009.

90-6-310. Local government facility impact bonds. (1) When the need for the construction, renovation, improvement, or acquisition of local government facilities as a result of the large-scale mineral development is determined under [90-6-307](#), the owners of a large-scale mineral development may enter into a written agreement with the local government unit having the burden for the increased capital and operating costs expected to be incurred by the facilities. The local government unit may execute a written agreement with the owner of a large-scale mineral development for the issuance of any special industrial local government facility impact bonds provided for in this section.

(2) The agreement with the owners of a large-scale mineral development must provide for a payment guarantee through a third-party financial institution, in addition to the taxes imposed by the local government unit on property owners generally, of the principal and interest on the bonds provided for in this section. Payment will then be made by an annual special tax levy on the property of the large-scale mineral development sufficient to retire the principal and interest on these special impact bonds. The bonds may not be an obligation of the local government unit, but must be special obligations limited to the revenue derived from the special tax levy. A local government unit shall establish a levy and, to the extent bonds are issued as provided in this section, shall pledge the special fund and all revenue of the special tax levy to the repayment of the bonds.

(3) The debt limits set forth in [7-7-2203](#), [7-7-4201](#), and [20-9-406](#) do not apply to bonds issued in accordance with this section. The interest on the bonds is not subject to state taxes.

(4) The impact bonds must be authorized by the governing body of the local government unit by a resolution that states:

- (a) the facility for which the bonds are issued;
- (b) the amount of the bonds;
- (c) the rate of interest the bonds bear;
- (d) the date of the bonds and the maturity date or dates of the bonds;
- (e) the dates interest is payable on the bonds;
- (f) the redemption options, if any, with respect to the bonds; and
- (g) the manner of execution of the bonds.

(5) The impact bonds must be:

- (a) in registered form as to principal and interest;
 - (b) payable in installments and at times not exceeding 30 years from their date of issuance;
- and

(c) payable at a place or places and be evidenced in a manner the governing body determines is in the best interest of the local government unit.

(6) Any impact bonds issued under the authority of this section may be sold at public or private sale in a manner, at a time or times, and at a price above or below par as may be determined by the governing body of the local government unit. All expenses, premiums, and commissions that the local government unit considers necessary or advantageous in connection with the authorization, sale, and issuance of the bonds may be paid by the governing body of the

local government unit from the proceeds of the sale of the bonds.

(7) If more than one local government unit adopts a resolution to issue impact bonds, the local government units may enter into an interlocal agreement under [7-11-101](#) through [7-11-105](#), [7-11-107](#), and [7-11-108](#), providing for the issue of impact bonds of the local government units to be combined in a single offering, if the governing body of each local government unit authorizing the bonds determines that the pooling of bonds:

- (a) is in the best interest of the local government units;
- (b) will facilitate the sale of the bonds under more advantageous terms;
- (c) will lower the interest rates; or
- (d) will lower the cost of issuance.

(8) In addition to the specific requirements of [7-11-105](#), the interlocal agreement must provide:

(a) that the bond titles must denote that impact bonds of different local government units have been pooled and must refer to each local government unit executing the interlocal agreement;

(b) for a single debt service fund, to be held by a qualified trust company, to which each local government unit shall pledge and pay the annual special tax levies levied against the large-scale mineral development; and

(c) that the bonds are payable solely from and against the debt service funds under the interlocal agreement.

History: En. Sec. 11, Ch. 617, L. 1981; amd. Sec. 2, Ch. 227, L. 1991; amd. Sec. 3, Ch. 464, L. 1999.

90-6-311. Impact plan amendments. (1) The impact plan may provide for amendment under definite conditions specified in the plan. Also, the governing body of an affected county or the mineral developer may petition the board for an amendment to an approved impact plan if:

(a) employment at the large-scale mineral development is forecast to increase or decrease by at least 75 persons, as determined under [90-6-302](#)(4), over or under the employment levels contemplated by the approved impact plan; or

(b) it becomes apparent that an approved impact plan is materially inaccurate because of errors in assessment and 2 years have not elapsed since the date the facility begins commercial production; or

(c) the governing body of an affected county and the mineral developer join in a petition to amend the impact plan.

(2) Within 10 days of receipt the board shall publish notice of the petition at least once in a newspaper of general circulation in the affected county. The petition must include:

- (a) an explanation of the need for an amendment;
- (b) a statement of the facts and circumstances underlying the need for an amendment; and
- (c) a description of the corrective measures proposed by the petitioner.

(3) Within 60 days after notice that the petition has been received, an affected local government unit or the mineral developer must notify the board in writing if such person objects to the amendments proposed by the petitioner, specifying the reasons why the impact plan should not be amended as proposed. If no objection is received within the 60-day period, the impact plan must be amended by the board as proposed by the petitioner.

(4) If an objection is received, within 10 days of its receipt, the board shall notify the petitioner and include a copy of all objections received by the board. If the objecting party and the petitioner cannot resolve the objections within 30 days after the expiration of the 60-day

period, the board shall conduct a hearing on the validity of the objections within 30 days after the failure of the parties to resolve the objections. The hearing must be held in the affected county or, if objections are received from local government units in more than one county, must be held in the county which in the board's judgment is more greatly affected. The provisions of the Montana Administrative Procedure Act apply to the conduct of the hearing.

(5) Following the hearing, the board shall make findings as to those portions of the amendments which were objected to and, if appropriate, amend the impact plan accordingly. The board shall cause the findings and impact plan, as amended, to be served on all parties. Any local government unit or the developer is entitled to judicial review, as provided by Title 2, chapter 4, part 7, in the district court for the judicial district in which the hearing was held.

History: En. Sec. 5, Ch. 489, L. 1983; amd. Sec. 7, Ch. 582, L. 1985; amd. Sec. 6, Ch. 227, L. 1991.

90-6-323. Local government budget authority. A local government unit may budget and expend payments received from a mineral developer under this part or part 4 of this chapter or pursuant to a plan approved under this part. If a payment is requested or received after the adoption of the budget for the fiscal year in which the payment is to be expended, the governing body of the local government unit may by a majority vote amend its budget to provide for the receipt and expenditure of the payment.

History: En. Sec. 8, Ch. 582, L. 1985.

90-6-331. (Temporary) Payment to counties -- statutory appropriation. Prior to each October 31, all money segregated by county in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust account established in [90-6-304\(2\)](#) as of the immediately preceding September 30 must be paid to the county for which the funds have been held in deposit. The payments to the counties are statutorily appropriated as provided in [17-7-502](#). The funds received by the county must be deposited in the county hard-rock mine trust account established in [7-6-2225](#). (*Terminates June 30, 2019--sec. 5, Ch. 442, L. 2009.*)

90-6-331. (Effective July 1, 2027) . Fund transfer. Prior to each October 31, all money segregated by county in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust account established in [90-6-304\(2\)](#) as of September 30 immediately preceding must be transferred to the county for which the funds have been held in deposit. The funds transferred must be deposited in the county hard-rock mine trust account established in [7-6-2225](#).

History: En. Sec. 10, Ch. 672, L. 1989; amd. Sec. 2, Ch. 376, L. 1991; amd. Sec. 2, Ch. 616, L. 1991; amd. Sec. 37, Ch. 389, L. 1999; amd. Sec. 4, Ch. 464, L. 1999; amd. Sec. 5, Ch. 598, L. 2005; amd. Sec. 3, Ch. 442, L. 2009.

**TITLE 90. PLANNING, RESEARCH, AND DEVELOPMENT
CHAPTER 6. COMMUNITY IMPACT -- PLANNING AND ABATEMENT**

**Part 4. Hard-Rock Mining Impact Property Tax Base
Sharing**

90-6-401. Declaration of necessity and purpose. The commencement of new large-scale hard-rock mineral developments often results in revenue disparities among adjacent local government units. This occurs primarily when a mine that locates in one taxing jurisdiction causes population influxes in neighboring jurisdictions. The result can be that some jurisdictions will experience a need to increase expenditures and receive no corresponding increase in revenue, while others will experience an increase in revenue and receive no comparable increase in expenditures. There is therefore a need to allocate the increase in property tax base resulting from the development and operation of new large-scale mines so that property tax revenues will be equitably distributed among affected local government units.

History: En. Sec. 1, Ch. 635, L. 1983.

90-6-402. Definitions. As used in this part, the following definitions apply:

(1) "Affected local government unit" means a local government unit that will experience a need to increase services or facilities as a result of the commencement of large-scale mineral development or within which a large-scale mineral development is located in accordance with an impact plan adopted pursuant to [90-6-307](#).

(2) "Board" means the hard-rock mining impact board established in [2-15-1822](#).

(3) "Jurisdictional revenue disparity" means property tax revenues resulting from a large-scale hard-rock mineral development that are inequitably distributed among affected local government units as finally determined by the board in an approved impact plan.

(4) "Large-scale mineral development", for the purposes of this part, is defined in [90-6-302](#).

(5) "Local government unit", for the purposes of this part, means a county, municipality, or school district.

(6) "Mineral development employee" means a person who resides within the jurisdiction of an affected local government unit as a result of employment with a large-scale mineral development or its contractors or subcontractors.

(7) "Mineral development student" means a student whose parent or guardian resides within the jurisdiction of an affected local government unit as a result of employment with a large-scale mineral development or its contractors or subcontractors.

(8) "Taxable valuation" of a mineral development means the total of the gross proceeds taxable percentage specified in [15-6-132](#)(2) when added to the taxable percentages of real property, improvements, machinery, equipment, and other property classified under Title 15, chapter 6, part 1.

History: En. Sec. 2, Ch. 635, L. 1983; amd. Sec. 88, Ch. 11, Sp. L. June 1989.

90-6-403. Jurisdictional revenue disparity -- conditioned exemption and reallocation of certain taxable valuation. (1) When an impact plan for a large-scale mineral development approved pursuant to [90-6-307](#) identifies a jurisdictional revenue disparity, the board shall promptly notify the developer, all affected local government units, and the department of revenue of the disparity. Except as provided in [90-6-404](#) and this section, the increase in taxable valuation of the mineral development that occurs after the issuance and validation of a permit under [82-4-335](#) is not subject to the usual application of county and school district property tax mill levies. This increase in taxable valuation must be allocated to local government units as provided in [90-6-404](#). The increase in taxable valuation allocated as provided in [90-6-404](#) is subject to [15-10-420](#) and the application of property tax mill levies in the local government unit to which it is allocated. The increase in taxable valuation allocated to the local government unit is considered newly taxable property in the recipient local government unit as provided in [15-10-420](#).

(2) Subject to [15-10-420](#), the total taxable valuation of a large-scale mineral development remains subject to the statewide mill levies and basic county levies for elementary and high school BASE funding programs as provided in [20-9-331](#) and [20-9-333](#).

(3) The provisions of subsection (1) remain in effect until the large-scale mineral development ceases operations or until the existence of the jurisdictional revenue disparity ceases, as determined by the board.

History: En. Sec. 3, Ch. 635, L. 1983; amd. Sec. 5, Ch. 311, L. 1987; amd. Sec. 55, Ch. 633, L. 1993; amd. Sec. 164, Ch. 584, L. 1999.

90-6-404. Allocation of taxable valuation for local taxation purposes. When property of a large-scale mineral development is subject to the provisions of [90-6-403](#), the increase in taxable valuation must be allocated by the department of revenue as follows:

(1) The local government unit in which the ore body or the mineral deposit being mined is located must be allocated 20% of the total increase in taxable valuation of the gross proceeds.

(2) The remaining increase in taxable valuation of the mineral development must be allocated between affected counties and affected municipalities according to the following formula based on the place of residence of mineral development employees:

(a) A portion, not to exceed 20%, to affected municipalities, based on that percentage of the total number of mineral development employees that reside within municipal boundaries. The taxable valuation allocated to affected municipalities must be distributed to each municipality according to its percentage of the total number of mineral development employees who reside within municipal boundaries. That portion of the taxable valuation distributed to a municipality pursuant to this section is subject to the same county mill levy as other taxable properties located in the municipality.

(b) The remaining portion of the taxable valuation must be distributed to each affected county according to its percentage of the total number of mineral development employees that reside within the county.

(3) The increase in taxable valuation equal to that subject to subsection (2) must be distributed pro rata among each affected high school district according to the percentage of the total number of mineral development high school students that reside within each district.

(4) The increase in taxable valuation equal to that subject to subsection (2) must be distributed pro rata among each affected elementary school district according to the percentage of the total number of mineral development elementary school students that reside within each district.

(5) The distribution formula specified in subsections (2) through (4) may be modified by an impact plan approved as provided in [90-6-307](#) or amended as provided in [90-6-311](#), if the modification is needed in order to ensure a reasonable correspondence between the occurrence of increased costs resulting from the mineral development and the allocation of taxable valuation resulting from the mineral development.

History: En. Sec. 4, Ch. 635, L. 1983; amd. Sec. 1, Ch. 760, L. 1991; amd. Sec. 5, Ch. 464, L. 1999.

90-6-405. Employee surveys. (1) Each large-scale mineral development subject to the provisions of [90-6-403](#) and [90-6-404](#) shall, on or before May 1 of each year, conduct a survey of its employees and promptly submit a report of its findings to the department of revenue. The report must include:

- (a) the number of mineral development employees residing within each affected county;
 - (b) the number of mineral development employees residing within each affected municipality;
 - (c) the number of mineral development students residing in each affected high school district;
- and
- (d) the number of mineral development students residing in each affected elementary school district.

(2) The initial allocation of the increase in taxable valuation made as provided in [90-6-403](#) and [90-6-404](#) shall be made on the basis of the place of residence of employees and the district of enrollment of students as projected in the approved impact plan for that period of time between the issuance and validation of the permit and the submission of an employee survey as provided for in this section.

History: En. Sec. 5, Ch. 635, L. 1983.



Montana Secretary of State
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Rule Chapter: 8.104

Chapter Title: HARD-ROCK MINING IMPACT BOARD



COMMERCE

8.104 : HARD-ROCK MINING IMPACT BOARD



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Rule No.	Rule Title	Latest Version	Effective Date
<u>Subchapter 1</u>			
<u>Organizational Rule</u>			
8.104.101	ORGANIZATION OF BOARD		5/9/2008
<u>Subchapter 2</u>			
<u>Procedural Rules</u>			
8.104.201	PUBLIC PARTICIPATION		5/9/2008
8.104.202	GENERAL PROCEDURAL RULES		5/9/2008
8.104.203	FORMAT AND CONTENT OF PLAN		10/14/1994
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For questions about the organization of the ARM or this web site, contact sosarm@mt.gov.

Title 8: COMMERCE
Chapter 104: HARD-ROCK MINING IMPACT BOARD

Subchapter 1: Organizational Rule

8.104.101 ORGANIZATION OF BOARD

(1) The Hard-Rock Mining Impact Board is created by [2-15-1822](#), MCA, and appointed by the Governor. By statute the board comprises five members, three of whom reside in an area impacted by large-scale mineral development. At least one member must reside in each district provided for in [5-1-102](#), MCA. The board consists of:

- (a) a representative of the hard-rock mining industry;
- (b) a representative of a major financial institution in Montana;
- (c) an elected school district trustee;
- (d) an elected county commissioner; and
- (e) a member of the public-at-large.

(2) Information or submissions: Inquiries regarding the board may be addressed to the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523.

(3) For administrative purposes the board is attached to the Department of Commerce. For staffing purposes the board is attached to the department's Community Development Division. A chart of the department's organization is found at page 8-13 of these rules and by this reference is made a part of the board's organizational rules.

History: [2-4-201](#), MCA; [IMP, 2-4-201](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), Eff. 9/30/89; [AMD](#), Eff. 6/30/92; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94; [AMD](#), 2002 MAR p. 1660, Eff. 6/14/02; [AMD](#), 2008 MAR p. 945, Eff. 5/9/08

Subchapter 2: Procedural Rules

8.104.201 PUBLIC PARTICIPATION

(1) The Hard-Rock Mining Impact Board adopts and incorporates by reference ARM [8.2.201](#) through [8.2.206](#) which sets forth the Department of Commerce's public participation rules. A copy of the rules may be obtained from the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523.

History: [2-3-103](#), MCA; [IMP, 2-3-103](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94; [AMD](#), 2008 MAR p. 945, Eff. 5/9/08.

8.104.202 GENERAL PROCEDURAL RULES

(1) The Hard-Rock Mining Impact Board adopts and incorporates by reference ARM [1.3.101](#) through [1.3.233](#) which sets forth the Attorney General's model procedural rules. A copy of the model rules may be obtained from the Hard-Rock Mining Impact Board, Department of Commerce, 301 South Park, P.O. Box 200523, Helena, Montana 59620-0523. The board will

treat the hearing provided for by [90-6-307](#)(4), MCA, as a contested case hearing under the model rules.

History: [90-6-305](#), MCA; [IMP](#), [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94; [AMD](#), 2008 MAR p. 945, Eff. 5/9/08.

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8.104.203 FORMAT AND CONTENT OF PLAN

- (1) The format and substance of the plan must allow for a ready review and analysis of the plan, its several parts, and how they relate to one another.
- (2) The format of the plan must contain the following elements:
 - (a) the name, address and phone number of the developer's contact person;
 - (b) a brief summary of the impact plan, which includes the schedule of impact payments and other commitments by the developer;
 - (c) a list of the local government units which the developer believes might potentially be affected by the development;
 - (d) a table of contents;
 - (e) numbered pages throughout.
- (3) The plan must be bound in a manner that will allow for ready removal and insertion of pages.
- (4) The impact plan must contain information specifically required by statute, information necessary to the implementation of statute, and information necessary to the review and implementation of the plan, including but not limited to:
 - (a) As required by [90-6-307](#)(1) , MCA, the plan must contain the following information:
 - (i) a timetable for development, including the opening date of the development and the estimated closing date;
 - (ii) the estimated number of persons coming into the impacted area as a result of the development;
 - (iii) the increased capital and operating cost to local government units for providing services which can be expected as a result of the development;
 - (iv) the financial or other assistance the developer will give to local government units to meet the increased need for services.
 - (b) As required by [90-6-307](#)(2) , MCA, in the impact plan the developer shall commit itself to pay all of the increased capital and net operating cost to local government units that will be a result of the development, as identified in the impact plan, either from tax prepayments, as provided in [90-6-309](#), MCA, facility impact bonds, as provided in [90-6-310](#), MCA, or other funds obtained from the developer, and shall provide a time schedule within which it will do so. The plan may provide for funding from other revenue sources or funding mechanisms if the developer guarantees that the amount to be provided from these sources will be paid.
 - (c) If the plan provides for the prepayment of property taxes, the plan must specify the conditions under which the recipient local government unit will credit prepaid taxes, as provided by [90-6-309](#)(5) , MCA, and ARM [8.104.215](#).
 - (d) If the plan identifies a jurisdictional revenue disparity as provided for by [90-6-403](#)(1) , MCA, the plan must project the place of residence of employees and the district of enrollment of students as required for [90-6-405](#)(2) , MCA.

(e) The plan must define the following terms in a manner consistent with common usage and appropriate to the specific large-scale mineral development:

(i) "persons coming into the impacted area as a result of the development," as required for [90-6-307](#)(1) (b) , MCA;

(ii) if property taxes are to be prepaid, "start of production", as required for [90-6-309](#)(4) , MCA;

(iii) "commercial production", as required for [90-6-311](#), MCA.

(f) In the plan the developer shall commit to notify the board and the affected local government units within 30 days of each applicable date identified in (e) of this subsection.

(g) If the mineral development will result in increased employment or increased local government costs in more than one county, the plan must identify the counties and evaluate the proportional impact to each county for purposes of [15-37-117](#), MCA.

(h) The plan must specify whether the developer will make impact payments directly to the affected local government unit or through the hard-rock mining impact board to be deposited to the impact fund of the affected local government unit.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1984 MAR p. 1843, Eff. 12/28/84; [AMD](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.203A DEFINITIONS

(1) For purposes of these rules, the term "impact, or impacted area" means the geographic or jurisdictional area or areas of the affected or potentially affected local government units identified in an impact plan.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1987 MAR p. 1781, Eff. 10/16/87; [AMD](#), 1997 MAR p. 2070, Eff. 11/18/97.

8.104.204 SUBMISSION AND PROOF OF SUBMISSION OF PLAN

(1) The developer shall submit 12 copies to the board and a sufficient number of copies to each affected county for distribution.

(2) The board will accept as proof of the date of receipt of an impact plan by an affected county a dated receipt, signed by an authorized representative of the county, confirming delivery of the plan by registered mail, hand delivery, or otherwise or an acknowledged statement by the developer certifying the date of delivery of the plan to the county.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1984 MAR p. 1843, Eff. 12/28/84; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.205 NOTICE OF RECEIPT OF PLAN FOR REVIEW

(1) Upon receiving the submitted plan, the governing body of each affected county shall publish notice of its receipt of the plan at least once in a newspaper of general circulation in the county. The notice must appear in large, readable format and must specify where copies of the plan will be available for public review.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1984 MAR p. 1843, Eff. 12/28/84; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.206 COMPUTATION OF TIME

(1) In computing any period of time prescribed by [90-6-301](#) through [90-6-311](#), MCA, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or a holiday. Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days will be added to the prescribed period.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.207 CONTENTS OF OBJECTION TO PLAN

(1) An objection to an impact plan submitted to the board must contain or show:

- (a) the name(s) of the developer(s) , the project and the impact plan;
- (b) the date the objection is submitted;
- (c) the name of the local government unit(s) raising the objection;
- (d) the name, address, and phone number of the contact person(s) for the objecting local government unit(s) ;
- (e) the name of the local government unit(s) affected by the objection;
- (f) the specific elements of the plan being objected to, giving the page number(s) ;
- (g) the substance of the objection;
- (h) the reasons for the objection;
- (i) supportive data, information or analysis, including references to related portions of the plan (giving page numbers) , such as:
 - (i) analysis of employment and population;
 - (ii) analysis of location, nature, extent and cost of impact;
 - (iii) proposed mitigation measure;
 - (iv) proposed timing and cost of mitigation measure;
 - (v) proposed method, amount, and source of financing of the mitigation measure.
- (j) the objectors proposal for resolving the disputed issues;
- (k) a resolution dated and signed by the governing body of each objecting unit of local government confirming that the above statements appropriately reflect its views and concerns.

(2) A form outlining the contents required by this rule is available from the board.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.208 SUBMISSION OF OBJECTIONS TO BOARD

(1) At least 15 copies of the objection(s) must be filed with the board and a copy filed with each affected local government unit.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.208A FILING OF OBJECTIONS DURING EXTENSION PERIOD

(1) Only those affected local government units which have requested a 30-day extension of the initial review period pursuant to [90-6-307](#)(6) , MCA, may file objections to the plan during

this extension. However, if an objection filed during this extension relates to the interests of a local government unit which did not request an extension, that unit will be allowed to comment on the objection, and any such comment may be considered by the board in subsequent proceedings concerning the objection.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1984 MAR p. 1843, Eff. 12/28/84; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.209 NOTIFICATION OF BOARD CONCERNING NEGOTIATIONS ON PLAN

(1) By the end of the 30-day negotiation period described in [90-6-307](#)(6) , MCA, all affected parties shall notify the board in writing of the outcome of their negotiation efforts, specifying which objections have been resolved and how and which objections remain in contention. The developer shall provide the board with any mutually agreed upon amendments to the plan. The official copy of the amendments must bear the signatures of the developer's authorized representative, the chairman of the elected governing body of each affected unit of local government, and the chairman of the elected governing body of the county verifying the concurrence of their units of local government with the negotiated amendments.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/31/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.210 EX PARTE COMMUNICATIONS WITH BOARD MEMBERS

(1) No representative of any party to the plan may communicate with any board member outside the context of a public meeting on any issue related to the plan until the plan has received final approval.

(2) During the 90-day review period and the 30-day negotiation period the board's staff may not communicate with any party concerning the substance of a plan. However, the staff may at any time, either on its own initiative or in response to a request, provide information concerning the technical compliance of a plan with statutes and board rules and the plan review process provided that the information does not relate to the substance or merits of a particular plan. The staff will maintain a log of any such contact.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1984 MAR p. 1843, Eff. 12/28/84; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

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8.104.211 IMPLEMENTATION OF APPROVED IMPACT PLAN

(1) The Hard-Rock Mining Impact Account may receive direct industry monies, in accordance with the commitments made by the developer in an approved impact plan, and may receive money from the developer's financial guarantee to ensure payments consistent with the developer's commitments. If an approved plan provides that impact payments are to be made through the board, or if the board receives monies through the financial guarantee, the board will deposit these monies into the account, and will distribute the monies as provided by the impact plan to the county treasurer in the affected county to be credited to the impact fund of the affected local government unit. If the entire sum is not requested by, or under the plan committed to, the affected local government units, the board will revert the remainder, if any, to the developer.

(2) In implementing an approved impact plan, the affected local government units and the mineral developer shall establish procedures acceptable to the board for

transmitting payments and providing information required by statute or rule. The procedures and information must include the following:

(a) Each local government unit entitled to receive grants or tax prepayments from a mineral developer as provided by an approved impact plan must establish an impact fund within its budget. The fund must be established and maintained in a manner consistent with accepted budgeting and accounting practices. The impact fund budget must reflect tax prepayments, grants or other impact revenues to be received from the developer and the expenditures contemplated by the approved impact plan. Within the fund, tax prepayments must be distinguished from grants or contributions by a separate account, for purposes of identifying future tax crediting obligations.

(b) The governing body shall provide the board with a copy of that portion of the adopted budget or budget amendment that is related to the impact plan and includes the impact fund, a copy of the resolution by which the governing body adopted the budget or budget amendment, and, upon request, the year-end budget report.

(c) The affected local governing body may request that the developer make the payments provided for in the approved impact plan and in the budget or budget amendment of the local government unit. The governing body shall send to the board a copy of each payment request. Each request must identify the name of the local government unit making the request; the date of the request; the name of the mineral developer responsible for making the payment; the amount of the requested payment; whether the request is for a tax prepayment, grant, or other funds; the purpose of the payment as specified in the approved impact plan; and the subaccount within the impact fund for which the payment is intended. The request must refer to the item on the payment schedule or to the page or pages in the approved impact plan on which the financial commitment and the purpose of the expenditure are specified. The request must bear the signatures of the governing body of the affected local government unit.

(d) The board will transmit payments made through the board upon written request from the governing body of the affected local government unit and upon receipt of that documentation specified in (c) and in [ARM 8.104.211B](#).

(e) If the plan provides that payment is to be made by the developer directly to the county treasurer to be credited to the affected local government unit, the developer shall notify the board when the payment is made and the county treasurer shall notify the board when the payment is received. Each notice must contain or reference the information required in (c). Forms for requesting, making or acknowledging receipt of payment are available from the board.

(f) The mineral developer and the governing body of the affected local government unit shall provide the board with a copy of any facility impact bond agreement and guarantee entered into as a result of an approved impact plan within 15 days of their executing the agreement and guarantee. The agreement and guarantee become part of the approved impact plan.

(3) As required by [90-6-307](#)(11) and (15), MCA, the board will notify the Department of Environmental Quality if the mineral developer fails to comply, or resumes compliance, with the terms of the approved impact plan or with the requirements of Title 90, chapter 6, parts 3 and 4 of the Montana Code Annotated.

History: [90-6-305](#), MCA; [IMP](#), [90-6-307](#), [90-6-310](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1994 MAR p. 3010, Eff. 10/14/94; [AMD](#), 2008 MAR p. 945, Eff. 5/9/08.

8.104.211A WAIVER OF IMPACT PLAN REQUIREMENT (REPEALED)

[\(See the Transfer and Repeal Table\)](#)

History: Sec. [90-6-305](#), [90-6-307](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1986 MAR p. 1826, Eff. 10/31/86; [REP](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.211B EVIDENCE OF THE PROVISION OF SERVICE OR FACILITY

(1) For purposes of [90-6-307](#)(12) , MCA, the board will accept as evidence that an affected local government unit is providing or is preparing to provide an additional service or facility provided for in an approved plan a letter from the governing body certifying that it is providing or preparing to provide the service or facility and specifying the date on which it is anticipated that the service or facility will be made available. A copy of the local government unit's impact fund budget or budget amendment, reflecting the proposed expenditure for the service or facility, and a copy of the resolution by which the governing body adopts the impact fund budget or budget amendment must accompany or precede the letter.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.212 ADOPTION OF POLICIES OR GUIDELINES

(1) From time to time, the board may adopt policies or guidelines relating to its internal operations; to the preparation, content, review and implementation of impact plans; to the relationship between developers and local government units; or to other matters over which the board has administrative or quasi-judicial authority. These policies or guidelines, which will not have the force or effect of administrative rules, will be compiled and made available for public inspection at the board's office.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1982 MAR p. 2140, Eff. 12/17/82; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

8.104.213 MODIFICATION OF PLAN

(1) An impact plan or a proposed amendment to an approved plan may be modified during the review period, the negotiation period, or an extension of either, by mutual consent of the developer and the local government units affected by the modification. Modifications must meet the following requirements:

(a) Modifications must be submitted in writing to the board and to all local government units that are party to the plan.

(b) The copy filed with the board must bear the signatures of the authorized representatives of the developer and of the governing body of each local government unit that is a party to the modification.

(c) If there is a need to modify the format of the plan and if the modification does not affect the substantive provisions of the plan, the governing body of the county may act on behalf of all local government units within the county when it concurs with the modification of format.

(d) Any modification submitted less than 30 days prior to the end of the review period must carry with it a request from the local governing body for an extension which allows 30-day review of the modification.

(e) All modifications must be incorporated into the plan before the board will approve it. The modified plan must comply with the form and content requirements for an impact plan as provided by parts 3 and 4 of Title 90, chapter 6 of the Montana Code Annotated and by the administrative rules adopted by the board. In the modified plan the table of contents, summary, schedule of payment, and, if a part of the plan, the developer's written guarantee, must accurately contain and reflect the modifications. Obsolete material must be deleted from the plan through the use of replacement pages that contain and reflect the modifications or, if the use of replacement pages is not feasible, obsolete material must be deleted by specific reference.

(f) The board may allow revisions to format following the review or negotiation period, or an extension of either, to the extent that such revisions are necessary to incorporate the modifications into the plan in order to comply with ARM [8.104.203](#).

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-307](#), MCA; [NEW](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94.

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8.104.214 FINANCIAL GUARANTEE OF TAX PREPAYMENTS

(1) The financial guarantee required of a developer by [90-6-309\(3\)](#), MCA, to assure that property tax prepayments will be paid as needed by local government units must, at a minimum, meet the following requirements:

(a) The guarantee must cover the total amount of money the developer has committed to prepay with adequate provisions for any conditional payments provided for in the impact plan. Both the total amount covered by the guarantee and the specific purpose of each prepayment must be specified with sufficient clarity that it can be determined that the guarantee corresponds with and is sufficient to meet all prepayment commitments in the approved impact plan;

(b) The guarantee must make the money accessible to the board in the event of a default on the part of the developer or the need for the board to resolve a dispute between the developer and an affected local government unit; and

(c) The funds contained in the guarantee mechanism must be protected from all uses not specified in or provided for by an approved impact plan or an approved amendment to the plan.

(d) The guarantee must be provided through a financially sound third-party financial institution that is acceptable to the board and in which the developer does not have a significant financial interest.

(2) The financial guarantee must be submitted to the board in sufficient time that it may be approved by the board and be in place before mining activities under an operating permit issued by the Department of Environmental Quality commence or prior to the time an affected local government unit must incur a financial obligation in implementation of the approved impact plan and in anticipation of revenues protected by the financial guarantee, whichever occurs first.

History: [90-6-305](#), MCA; [IMP](#), [90-6-309](#), MCA; [NEW](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#), 1994 MAR p. 2718, Eff. 10/14/94; [AMD](#), 2008 MAR p. 945, Eff. 5/9/08.

8.104.215 PROVISION OF TAX CREDITS

(1) As required by [90-6-309](#), MCA, each year after the start of production, the local government unit must provide for tax crediting as specified in the approved impact plan. A tax credit must be made from the local government fund that corresponds to the service for which the tax prepayment was made. A tax credit may not have the effect of shifting the impact cost over time to the non-developer local taxpayer. The credit may not exceed the tax obligation of the developer for that year. Tax crediting is limited to the productive life of the mine.

History: Sec. [90-6-305](#), MCA; IMP, Sec. [90-6-309](#), MCA; NEW, 1994 MAR p. 2718, Eff. 10/14/94.

8.104.216 EVIDENCE OF THE PROVISION OF SERVICE OR FACILITY (REPEALED)

[\(See the Transfer and Repeal Table\)](#)

History: Sec. [90-6-305](#), MCA; IMP, Sec. [90-6-307](#), MCA; NEW, 1984 MAR p. 1826, Eff. 10/31/86; REP, 1994 MAR p. 2718, Eff. 10/14/94.

8.104.217 CONTENTS OF PETITION FOR PLAN AMENDMENT

(1) Under certain circumstances the mineral developer or the governing body of an affected county (on its own behalf or on behalf of another affected government unit within the county) may petition the board to amend an approved impact plan. The requirements and procedures for petitioning to amend a plan are provided in [90-6-311](#), MCA, and a petition for an amendment must include or identify the following:

(a) when applicable, a copy of a resolution, dated and signed by the governing body of each local government unit that is requesting the amendment, authorizing the county to submit the petition for the amendment of the impact plan;

(b) date of the petition;

(c) the name of the mineral developer;

(d) county in which mineral development is located;

(e) name, address, phone number and signature(s) of each petitioner (county and/or mineral developer) ;

(f) all local government units believed by the petitioner to be affected by the proposed amendment;

(g) as required by [90-6-311\(2\)](#) , MCA, an explanation of the need for an amendment, a statement of the facts and circumstances underlying the need for an amendment, and a description of the corrective measures proposed by the petitioner;

(h) the costs and commitments identified in the approved plan which will be changed as a result of the proposed amendment, with the relevant pages in the plan cited;

(i) other provisions of the approved plan which may be changed by the proposed amendment, with the relevant pages cited and substitute language proposed that will make the plan consistent throughout;

(j) a statement as to which of the following is the legal basis for the petition:

(i) that the plan itself provides for amendment under certain conditions and that those conditions have been met with the conditions specified and the pages on which they are established cited. The petitioner must establish that the conditions have been met;

(ii) that employment at the large-scale mineral development is forecast to increase or decrease by at least 75 persons, as determined under [90-6-302](#)(4) , MCA, over or under the employment levels contemplated by the approved impact plan;

(iii) that the approved impact plan is materially inaccurate because of errors in assessment and that two years have not elapsed since the date the facility began commercial production with the date the facility began commercial production indicated; or

(iv) that the governing body of an affected county and the mineral developer are joining in the petition to amend the impact plan.

History: Sec. [90-6-305](#), MCA; [IMP](#), Sec. [90-6-311](#), MCA; [NEW](#), 1986 MAR p. 1826, Eff. 10/31/86; [AMD](#) 1994 MAR p. 2718, Eff. 10/14/94.

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8.104.218 WAIVER OF IMPACT PLAN REQUIREMENT

(1) The board will grant a waiver or a conditional waiver of the impact plan requirement to a large-scale mineral development permittee, as authorized by [90-6-307](#)(14), MCA, if:

(a) The permittee and the governing bodies of all potentially affected local government units, as identified by the board and the affected county or counties, notify the board in writing that:

(i) they do not anticipate a need to increase local government services and facilities as a result of the increase in employment identified in the permittee's annual report to the Department of Environmental Quality; or

(ii) the anticipated increase in need for services and facilities is not expected to result in an increase in local government costs to the nondeveloper taxpayer, or that such costs will be paid by the developer under the terms of the conditional waiver;

(b) No potentially affected local government unit requests the board to deny the waiver or to require an impact plan; or

(c) Following a public hearing on the proposed waiver, or notice and opportunity for hearing, the board considers it unlikely that adverse fiscal impacts will affect any local government unit, either as a result of the increase in employment identified in the permittee's annual report, as required by [82-4-339](#), MCA, or as a result of the associated changes in the mining operation.

(2) Following its decision, the board will provide a copy of the waiver, conditional waiver, or denial of waiver to the Department of Environmental Quality, the permittee, and the potentially affected local government units identified by the board and the affected county or counties for purposes of [90-6-307](#)(14), MCA.

History: [90-6-305](#), [90-6-307](#), MCA; [IMP](#), [90-6-307](#), MCA; [NEW](#), 1994 MAR p. 2718, Eff. 10/14/94; [AMD](#), 2008 MAR p. 1309, Eff. 5/9/08.

Subchapter 3: Rules Governing Awarding of Grants

8.104.301 GENERAL PROVISIONS (REPEALED)

(See the Transfer and Repeal Table)

History: Sec. **90-6-305**, MCA; IMP, Sec. **90-6-305**, MCA; NEW, 1982 MAR p. 2140, Eff. 12/17/82; REP, 2002 MAR p. 1660, Eff. 6/14/02.

8.104.302 CONTENT OF GRANT APPLICATIONS (REPEALED)

(See the Transfer and Repeal Table)

History: Sec. **90-6-305**, MCA; IMP, Sec. **90-6-305**, MCA; NEW, 1982 MAR p. 2140, Eff. 12/17/82; AMD, 1994 MAR p. 2718, Eff. 10/14/94; REP, 2002 MAR p. 1660, Eff. 6/14/02.

8.104.303 SUBMITTAL DEADLINES (REPEALED)

(See the Transfer and Repeal Table)

History: Sec. **90-6-305**, MCA; IMP, Sec. **90-6-305**, MCA; NEW, 1982 MAR p. 2140, Eff. 12/17/82; AMD, 1994 MAR p. 2718, Eff. 10/14/94; REP, 2002 MAR p. 1660, Eff. 6/14/02.

8.104.304 APPLICATION REVIEW PROCESS (REPEALED)

(See the Transfer and Repeal Table)

History: Sec. **90-6-305**, MCA; IMP, Sec. **90-6-305**, MCA; NEW, 1982 MAR p. 2140, Eff. 12/17/82; REP, 2002 MAR p. 1660, Eff. 6/14/02.

8.104.305 CONTRACT WITH SUCCESSFUL APPLICANT (REPEALED)

(See the Transfer and Repeal Table)

History: Sec. **90-6-305**, MCA; IMP, Sec. **90-6-305**, MCA; NEW, 1982 MAR p. 2140, Eff. 12/17/82; REP, 2002 MAR p. 1660, Eff. 6/14/02.

MINE	COMPANY	COUNTY	IMPACT PLAN	AFFECTED GOVERNMENT UNITS	IMPACT PLAN PAYMENTS (1)	IMPACT PLAN PAYMENTS (2)	IMPACT PLAN PAYMENTS (3)	COMMENTS	
Ash Grove	Ash Grove Cement Co	Jefferson	No Impact Plan on file	NA	NA				
Black Butte Copper Project	Tintina Resources	Meagher	No Impact Plan on file	NA	NA			Tintina Resources is completing baseline studies and preparing to submit an application for a Mine Operating Permit to DEQ before the end of 2015.	
Continental Mine	Montana Resources (Washington Companies)	Silver Bow	No Impact Plan on file	NA	NA			Montana Resources states it has resources for another 20 years. The mine is seeking to expand the permitted elevation of it tailings impoundment and has selected an independent tailing review panel as required by SB409 approved by the 2015 Legislature which governs tailings impoundment construction and expansion.	
Golden Sunlight Mine	Barrick Gold Corp.	Jefferson	No Impact Plan on file	NA	NA			Mine announced Sept. 16, 2015 that 140 employees will be laid off by November. All surface mine production will end in November 2015. Underground operations will continue, with 34 employees remaining to support processing and underground operations.	
Montana Tunnels	Eastern Resources Inc. (ownership has changed several times)	Jefferson	1985 Impact Plan by Centennial Minerals Inc. on file	1. Boulder Elementary School District 2. Boulder Valley Rural Volunteer Fire Department 3. Clancy Elementary School District 4. Jefferson County 5. Jefferson County Refuse Disposal District 6. Jefferson High School District 7. Montana City Elementary School District 8. Montana City Rural-Volunteer Fire Department 9. Town of Boulder	1. \$15,000 one-time payment and \$1,000 annual payment to Jefferson City VFD. 2. \$1,305 to MT City Elementary Dist in the first year of mine development. 3. \$1,106 to Clancy Elementary Dist in the first year of mine development. 4. \$1,110 to Boulder Elementary Dist in the first year of mine development. 5. \$2,190 to Jefferson High Dist in the first year of mine development. 6. Establish \$10,000 impact assistance contingency fund with Jefferson County for unanticipated costs. 7. Mine will pay full cost several roadways, estimated at \$231,000, \$50,000 of which will be a tax prepayment to be claimed later as a tax credit. 8. Mine will pay the County \$15,000/year for road maintenance. These payments will be tax prepayments. County will be responsible for maintenance activities. 9. Mine will construct and maintain an access road across the mine site, to be deeded to County when the mine ceases operations. 10. One-time payment of \$18,000 to County for law enforcement communications equipment. 11. one-time \$5,000 payment to Town of Boulder for emergency services. 12. \$1,000/year for Boulder ambulance operating costs. 13. one-time payment of \$2,500 to the Clancy Quick Response Unit. 14. Mine will pay each school dist the amt of "foundation and permissive payments" per ANB for each in-migrant mine employee student. For year two and after, the mine will pay for the "net addition in student spaces occupied by in-migrant mine employee students over the preceding year".			Mine operating with a minimal crew since 2005. Company website mentions possible expansion of operations to new "M" pit, and that "all permits for expansion were obtained in 2008."	
Montanore Project	Montanore Minerals Corp. (acquired from Noranda Minerals Corp.)	Lincoln, Sanders	1. 1991 Impact Plan by Noranda Minerals Corp. on file. 2. 2005 Amendments by Montanore Minerals Corp. on file 3. 2008 Amendment on file to incorporate the 2007 Socioeconomic Report.	1. City of Eureka 2. City of Libby 3. City of Troy 4. Eureka Elementary School District 5. Libby K-12 School District 6. Lincoln County 7. Lincoln County High School District 8. Troy Elementary School District 9. Troy High School District	No impact payments specified in the impact plan. Total costs to affected government units forecast to increase from \$382,784 in year one of operations to \$1.07 million in year five when the mine and mill operations are at full production. Total property tax revenues forecast to increase from about \$202,500 in year one to \$5.9 million in year five. Net impact would therefore increase from -\$180,242 in year one to over \$4.8 million in year five. Sanders County not considered affected government unit, but forecast to receive \$208,000 in gross proceeds tax in year four and \$546,000 in year five.			Company website states the mine is currently undergoing "advanced stage engineering and re-permitting." The Kootenai NF released the Final EIS and draft Record of Decision on March 2015. DEQ has already issued a draft permit for operations.	
Rock Creek Project	Hecla Mining Co (acquired from Revett Mining Co, Inc, who acquired it from ASARCO Inc. in 1999)	Sanders	1997 Impact Plan by ASARCO Inc. on file	1. City of Libby 2. City of Plains 3. City of Thompson Falls 4. City of Troy 5. Heron Rural Fire District 6. Libby K-12 School District 7. Lincoln County 8. Noxon Rural Fire District 9. Noxon Elementary School District 10. Noxon High School District 11. Plains Elementary School District 12. Plains High School District 13. Sanders County 14. Thompson Falls Elementary School District 15. Thompson Falls High School District 16. Thompson Falls Rural Fire District 17. Trout Creek Elementary School District 18. Trout Creek Rural Fire District 19. Troy Elementary School District 20. Troy High School District	City of Libby: \$10,000 grant beginning 4th year. Additional assistance provided if employee numbers exceed certain thresholds. City of Thompson Falls: \$25,000 tax prepayment at commencement of construction and \$75,000 prepayment beginning 4th year. Additional assistance provided if employee numbers exceed certain thresholds. City of Troy: \$10,000 grant beginning 4th year. Additional assistance provided if employee numbers exceed certain thresholds. Heron Rural Fire District: \$2,500 grant at beginning of year 4, and reimburse on pro-rata basis for for noew mine-related in-migrants for the first five years of the project. Libby K-12 School District: \$20,000 grant beginning 4th year. Additional \$20,000 grant provided on request of District if mine-related in-migrating student numbers exceed certain thresholds in certain timeframes. Lincoln County: \$20,000 grant at commencement of construction and \$25,000 grant beginning 4th year of project. Additional one-time grant if employee numbers exceed certain thresholds. Noxon Rural Fire District: \$5,000 grant at beginning of year 4, and reimburse on pro-rata basis for for noew mine-related in-migrants for the first five years of the project. Noxon Elementary School District: \$25,000 tax prepayment at commencement of construction and \$25,000 prepayment beginning 4th year. Additional assistance provided if mine-related in-migrating student numbers exceed certain thresholds at certain times. Noxon High School District: \$10,000 tax prepayment at commencement of construction and \$15,000 prepayment beginning 4th year. Additional assistance provided if mine-related in-migrating student numbers exceed certain thresholds at certain times. Plains Elementary School District: No impact anticipated. If mine-related in-migrating student number exceeds 8 students, the impact plan would be amended.	Plains High School District: No impact anticipated. If mine-related in-migrating student number exceeds 7 students, the impact plan would be amended. Sanders County: \$25,000 tax prepayment and \$6000 grant for sold waste costs at commencement of construction. \$150,000 tax prepayment beginning 4th year of project. Agree to provide financial assistance to Sheriff and Ambulance services on pro-rata basis per in-migrating mine families. Additional assistance provided if employee numbers exceed certain thresholds. Establish a County Impact Oversight Account with \$100,000 tax prepayment when mine exceeds 75 workers. Thompson Falls Elementary School District: \$10,000 tax prepayment at commencement of construction and \$40,000 prepayment beginning 4th year. Additional assistance provided if mine-related in-migrating student numbers exceed certain thresholds in certain timeframes. Thompson Falls High School District: \$15,000 tax prepayment beginning 4th year. Additional assistance provided if mine-related in-migrating student numbers exceed certain thresholds in certain timeframes. Thompson Falls Rural Fire District: \$2,500 grant at beginning of year 4, and reimburse on pro-rata basis for for noew mine-related in-migrants for the first five years of the project. Trout Creek Elementary School District: \$20,000 tax prepayment at commencement of construction and \$40,000 prepayment		Company website states the project is in "Late Stage Permitting." Kootenai NF is in "final stages" of preparing a draft Supplemental EIS. The draft is scheduled for release before the end of 2015.	
SMC East Boulder Project	Stillwater Mining Co	Sweetgrass	1. 1995 Impact Plan on file 2. 1998 Amendment on file	1. Bridge Elementary School District 2. Big Timber Grade School District 3. City of Big Timber 4. Grey Cliff Elementary School District 5. McLeod Elementary School District 6. Sweet Grass County 7. Sweet Grass County High School	<u>1995 Impact Plan:</u> Sweetgrass County: \$15,000/year to County Commission. \$18,000/year, beginning Year 2, to the Clerk and Recorder's office, plus \$7.50 per capita increase. \$7,500/year to the County Sanitarian. The county attorney would receive \$13,000 in Year 1, and \$14,000 in Year 2. Beginning in Year 3 the county attorney's budget is increased on a \$13.30 per capita basis. The Justice Court budget increased on a per capita basis of \$8.00. SMC will provide the sheriff \$25,000/year for 1 FTE deputy beginning in Year 1 and additional \$25,000/year for 1 FTE beginning Year 4. Mine will also provide per capita increase of \$19.00 to the sheriff operating budget. The treasurer's operations budget would be increased on a \$15.00 per capita basis. \$4,000 for a study to assess the need for computerizing county and city offices, plus cost-share to computerize county and city offices, not to exceed \$30,000. Provide \$5,000 to County for Impact Plan review costs. \$120 per capita increase to County Road Fund. \$8 per capita increase to County Poor Fund. \$1.50 per capita increase to Family Services Dept. \$20 per capita increase to District Court. \$4.50 per capita increase to Library. \$8.30 per capita increase to Alcohol Rehab budget. \$42,000 to County in 1990, 1991 and 1992 for Planning. \$5.00 per capita increase and \$5,000/year to Ambulance. \$12.90 per capita increase and \$2,000/year to Fire Protection. \$11.60 per capita increase to Extension Agent. \$8,000/year to Weed Fund. Grant for equipment purchase, not to exceed \$50,000. Mine will pay costs to upgrade East Boulder Road, estimated at \$1,000,000. In the years where impact costs exceed impact revenues, SMC would mitigate the net loss in operating costs through prepayments of property taxes. In years where SMC generates net impact revenues, Sweet Grass County would provide SMC with tax credits until the total tax prepayments were completely reimbursed. Forecast of potential costs and revenues provided in the Impact Plan. City of Big Timber: \$4,000/year beginning year 3 to City of Big Timber fire protection. Tax prepayments (max): Year 1, \$56,208; Year 2, \$65,568; Year 3, \$71,530; Year 4, \$19,349; and Year 5, \$16,853. Up to \$481,000 for water system improvements. Up to \$889,000 for sewer system improvements. Up to \$160,000 for street improvements. Up to \$150,000 for Emergency vehicle facility.	<u>1998 Impact Plan:</u> In the years where impact costs exceed impact revenues, SMC will mitigate the net loss in operating costs through quarterly prepayments of property taxes. In years where SMC generates net impact revenues in a county fund(s), Sweet Grass County would provide SMC with tax credits in the affected funds until the total tax prepayments are completely reimbursed. Also, \$15,000 to the County fire protection fund plus 15% of the debt service to finance \$300,000 fire truck. City of Big Timber: Tax Prepayments: Year 1, \$43,426; Year 2, \$75,400; Year 3, \$65,492; Year 4, \$44,293; Year 5, \$7,231. Big Timber Elementary School District: \$4,600 for school facility evaluation. At the time that the BTGS enrollment reaches 360 students, and the number of SMC immigrating mineral development students is 20 or more, SMC will provide a temporary classroom per 20 impact students, and will pay the cost of designing and constructing additional permanent classrooms on a basis of one classroom per 20 impact students. SMC also will pay the costs of needed equipment and materials for the additional classrooms. Sweet Grass County High School District: When enrollment reaches 275 students, and the number of SMC immigrating mineral development students is 40 or more, SMC will pay the cost of designing and constructing additional permanent classrooms on a basis of one classroom per 20 impact students.			The company laid off 119 union and salaried workers August 2015 to cut costs. The company also imposed a new contract on Sept. 1st for 900 workers

MINE	COMPANY	COUNTY	IMPACT PLAN	AFFECTED GOVERNMENT UNITS	IMPACT PLAN PAYMENTS (1)	IMPACT PLAN PAYMENTS (2)	IMPACT PLAN PAYMENTS (3)	COMMENTS
SMC Nye Expansion Project	Stillwater Mining Co	Stillwater	1. 1985 Impact Plan on file 2. 1988 Amendment on file 3. 1998 Amendment on file	1. Absarokee Elementary School District 2. Absarokee High School District 3. Absarokee Water and Sewer District 4. Columbus Elementary School District 5. Columbus High School District 6. Fishtail Elementary School District 7. Nye Elementary School District 8. Stillwater County 9. Town of Columbus	1985 Impact Plan: Stillwater County: Tax prepayment: Year 1, \$183,000; Year 2, \$196,000; Year 3, \$102,000; Year 4, \$12,000 Absarokee Sewer: \$200,000 grant at commencement Town of Columbus: Tax prepayment: Year 1, \$5,400; Year 2, \$128,000; Year 3, 3,200, dependent on employee thresholds met Sewer & Water: Year 1, \$210,000 grant; Year 2, \$210,000 grant Absarokee Elementary School District: Tax prepayment: Year 1, \$5,400; Year 2, \$128,000; Year 3, \$3,200, dependent on in-migrating student threshold met. \$320,000 bond for classroom construction. Absarokee High School District: Tax prepayment: Year 1, \$9,000; Year 2, \$7,000, dependent on in-migrating student threshold met Columbus Elementary School District: Tax prepayment: Year 1, \$36,100; Year 2, \$20,000, dependent on in-migrating student threshold met. \$470,000 bond for classroom construction Columbus High School District: Tax prepayment: Year 1, \$26,000, dependent on in-migrating student threshold met Nye Elementary School District: \$1,000 grant in Year 1 Fishtail Elementary School District: \$1,000 grant in Year 1	1988 Amendment: Stillwater County: Tax prepayments: Yr 1988, \$79,240; 1989, \$24,931; 1990, \$44,738; 1991, \$63,481; 1993, \$675,186; 1994, \$135,186; 1995, \$395,186 (note no payment in 1992). Tax prepayment not to exceed \$1,618,000 for reconstruction of Highway 419. Town of Columbus: \$179,000 grant for sewer and water improvements and \$6,000 grant for well engineering costs. Tax prepayment of \$127,000 in 1988. Absarokee Elementary School District: Tax Prepayment in FY88-89: \$30,000 if in-migrating students (IMS) exceeds 55; \$40,000 if IMS exceeds 68; \$20,000 if IMS exceeds 80; and \$16,100 if IMS exceeds 90. If IMS exceeds 68, Mine will finance school facility additions, not to exceed \$800,000. Absarokee High School District: Tax Prepayment in FY88-89: \$20,000 if in-migrating students (IMS) exceeds 36; \$20,000 if IMS exceeds 46; \$18,400 if IMS exceeds 56. Tax Prepayment in FY89-90: \$2,400. If IMS exceeds 46 in FY88-89, Mine will finance school facility additions, not to exceed \$800,000. Columbus Elementary School District: Tax Prepayment in FY88-89: \$16,800 if in-migrating students (IMS) exceeds 10; \$10,000 if IMS exceeds 14; \$10,000 if IMS exceeds 18. Tax Prepayment in FY89-90: \$7,850 if IMS exceeds 16 and \$7,850 if IMS exceeds 18. Tax Prepayment in FY90-91: \$5,700 if IMS exceeds 18. Fishtail Elementary School District: Tax Prepayment in FY87-88:	1998 Amendment Stillwater County: Mine will cover net "impact" operating costs in excess of \$1,000 in any year in the form of a tax prepayment. The Mine will provide 20% of the funding, not to exceed \$900,000 to reconstruct portion of Highway 419. Town of Columbus: Mine will cover net "impact" operating costs in excess of \$1,000 in any year in the form of a tax prepayment. Mine will convert \$127,000 tax prepayment to grant for sewer treatment facilitation capital costs and also grant add'l \$196,000 for same. Provide tax prepayment for actual costs to resurface 1st Ave South. Sweetgrass County High School District: Mine will "mitigate the net loss in operating costs through prepayments of property taxes in years where impact costs exceed impact revenues. Grant of \$4,600 for evaluation of school facilities. Mine will also pay for design and construction of additional classrooms and classroom equipment and materials on basis of 1 classroom per 20 impact students. Absarokee Elementary School District: \$104,000 grant for purchase of land in 2008. Columbus Elementary School District: \$17,500/year for three years for School/Home counselor for impact students. Columbus High School District: \$17,600/year for three years for School/Home counselor for impact students. Fishtail Elementary School District: Mine will mitigate the net loss in operating costs experienced by the District through prepayments of property taxes in any year the number of in-migrating impact students	The contract covering 400+ workers will expire at the end of 2015.
Trident Mine	Holcim US Inc	Gallatin	No Impact Plan on File	NA	NA			One of the largest suppliers of portland and blended cements and related mineral components in the U.S.
Troy Mine	Hecla Mining Co (acquired from Revett Mining Co.)	Lincoln	No Impact Plan on File	NA	NA			The mine is in "care and maintenance" status as of January 2015, and will be into "final reclamation phase" next.

MINE	Ash Grove	Black Butte Copper Project	Continental Mine	Golden Sunlight Mine	Montana Tunnels	Montanore Project	Rock Creek Project	SMC East Boulder Project	SMC Nye Expansion Project	Trident Mine	Troy Mine
COMPANY	Ash Grove Cement Co	Tintina Resources	Montana Resources (Washington Companies)	Barrick Gold Corp.	Eastern Resources Inc. (ownership has changed several times)	Montanore Minerals Corp. (acquired from Noranda Minerals Corp.)	Hecla Mining Co (acquired from Revett Mining Co, Inc, who acquired it from ASARCO Inc. in 1999)	Stillwater Mining Co	Stillwater Mining Co	Holcim US Inc	Hecla Mining Co (acquired from Revett Mining Co.)
COUNTY	Jefferson	Meagher	Silver Bow	Jefferson	Jefferson	Lincoln, Sanders	Sanders	Sweetgrass	Stillwater	Gallatin	Lincoln
IMPACT PLAN	No Impact Plan on file	No Impact Plan on file	No Impact Plan on file	No Impact Plan on file	1985 Impact Plan by Centennial Minerals Inc. on file	1. 1991 Impact Plan by Noranda Minerals Corp. on file. 2. 2005 Amendments by Montanore Minerals Corp. on file 3. 2008 Amendment on file to incorporate the 2007 Socioeconomic Report.	1997 Impact Plan by ASARCO Inc. on file	1. 1995 Impact Plan on file 2. 1998 Amendment on file	1. 1985 Impact Plan on file 2. 1988 Amendment on file 3. 1998 Amendment on file	No Impact Plan on File	No Impact Plan on File
AFFECTED GOVERNMENT UNITS	NA	NA	NA	NA	1. Boulder Elementary School District 2. Boulder Valley Rural Volunteer Fire Department 3. Clancy Elementary School District 4. Jefferson County 5. Jefferson County Refuse Disposal District 6. Jefferson High School District 7. Montana City Elementary School District 8. Montana City Rural-Volunteer Fire Department 9. Town of Boulder	1. City of Eureka 2. City of Libby 3. City of Troy 4. Eureka Elementary School District 5. Libby K-12 School District 6. Lincoln County 7. Lincoln County High School District 8. Troy Elementary School District 9. Troy High School District	1. City of Libby 2. City of Plains 3. City of Thompson Falls 4. City of Troy 5. Heron Rural Fire District 6. Libby K-12 School District 7. Lincoln County 8. Noxon Rural Fire District 9. Noxon Elementary School District 10. Noxon High School District 11. Plains Elementary School District 12. Plains High School District 13. Sanders County 14. Thompson Falls Elementary School District 15. Thompson Falls High School District 16. Thompson Falls Rural Fire District 17. Trout Creek Elementary School District 18. Trout Creek Rural Fire District	1. Bridge Elementary School District 2. Big Timber Grade School District 3. City of Big Timber 4. Grey Cliff Elementary School District 5. McLeod Elementary School District 5. Melville Elementary School District 6. Sweet Grass County 7. Sweet Grass County High School	1. Absarokee Elementary School District 2. Absarokee High School District 3. Absarokee Water and Sewer District 4. Columbus Elementary School District 5. Columbus High School District 6. Fishtail Elementary School District 7. Nye Elementary School District 8. Stillwater County 9. Town of Columbus	NA	NA
IMPACT PLAN PAYMENTS (1)	NA	NA	NA	NA	1. \$15,000 one-time payment and \$1,000 annual payment to Jefferson City VFD. 2. \$1,305 to MT City Elementary Dist in the first year of mine development. 3. \$1,106 to Clancy Elementary Dist in the first year of mine development. 4. \$1,110 to Boulder Elementary Dist in the first year of mine development. 5. \$2,190 to Jefferson High Dist in the first year of mine development. 6. Establish \$10,000 impact assistance contingency fund with Jefferson County for unanticipated costs. 7. Mine will pay full cost several roadways, estimated at \$231,000, \$50,000 of which will be a tax prepayment to be claimed later as a tax credit. 8. Mine will pay the County \$15,000/year for road maintenance. These payments will be tax prepayments. County will be responsible for maintenance activities. 9. Mine will construct and maintain an access road across the mine site, to be deeded to County when the mine ceases operations. 10. One-time payment of \$18,000 to County for law enforcement communications equipment. 11. one-time \$5,000 payment to Town of Boulder	No impact payments specified in the impact plan. Total costs to affected government units forecast to increase from \$382,784 in year one of operations to \$1.07 million in year five when the mine and mill operations are at full production. Total property tax revenues forecast to increase from about \$202,500 in year one to \$5.9 million in year five. Net impact would therefore increase from -\$180,242 in year one to over \$4.8 million in year five. Sanders County not considered affected government unit, but forecast to receive \$208,000 in gross proceeds tax in year four and \$546,000 in year five.	City of Libby: \$10,000 grant beginning 4th year. Additional assistance provided if employee numbers exceed certain thresholds. City of Thompson Falls: \$25,000 tax prepayment at commencement of construction and \$75,000 prepayment beginning 4th year. Additional assistance provided if employee numbers exceed certain thresholds. Heron Rural Fire District: \$2,500 grant at beginning of year 4, and reimburse on pro-rata basis for noew mine-related in-migrants for the first five years of the project. Libby K-12 School District:	<u>1995 Impact Plan:</u> Sweetgrass County: \$15,000/year to County Commission. \$18,000/year, beginning Year 2, to the Clerk and Recorder's office, plus \$7.50 per capita increase. \$7,500/year to the County Sanitarian. The county attorney would receive \$13,000 in Year 1, and \$14,000 in Year 2. Beginning in Year 3 the county attorney's budget is increased on a \$13.30 per capita basis. The Justice Court budget increased on a per capita basis of \$8.00. SMC will provide the sheriff \$25,000/year for 1 FTE deputy beginning in Year 1 and additional \$25,000/year for 1 FTE beginning Year 4. Mine will also provide per capita increase of \$19.00 to the sheriff operating budget. The treasurer's operations budget would be increased on a \$15.00 per capita basis. \$4,000 for a study to assess the need for computerizing county and city offices, plus cost-share to computerize county and city offices,	<u>1985 Impact Plan:</u> Stillwater County: Tax prepayment: Year 1, \$183,000; Year 2, \$196,000; Year 3, \$102,000; Year 4, \$12,000 Absarokee Sewer: \$200,000 grant at commencement Town of Columbus: Tax prepayment: Year 1, \$5,400; Year 2, \$128,000; Year 3, 3,200, dependent on employee thresholds met Sewer & Water: Year 1, \$210,000 grant; Year 2, \$210,000 grant Absarokee Elementary School District: Tax prepayment: Year 1, \$5,400; Year 2, \$128,000; Year 3, \$3,200, dependent on in-migrating student threshold met. \$320,000 bond for classroom construction. Absarokee High School	NA	NA

IMPACT PLAN PAYMENTS (2)							<p>Plains High School District: No impact anticipated. If mine-related in-migrating student number exceeds 7 students, the impact plan would be amended.</p> <p>Sanders County: \$25,000 tax prepayment and \$6000 grant for sold waste costs at commencement of construction. \$150,000 tax prepayment beginning 4th year of project. Agree to provide financial assistance to Sheriff and Ambulance services on pro-rata basis per in-migrating mine families. Additional assistance provided if employee numbers exceed certain thresholds. Establish a County Impact Oversight Account with \$100,000 tax prepayment when mine exceeds 75 workers.</p> <p>Thompson Falls Elementary</p>	<p><u>1998 Impact Plan:</u> In the years where impact costs exceed impact revenues, SMC will mitigate the net loss in operating costs through quarterly prepayments of property taxes. In years where SMC generates net impact revenues in a county fund(s), Sweet Grass County would provide SMC with tax credits in the affected funds until the total tax prepayments are completely reimbursed. Also, \$15,000 to the County fire protection fund plus 15% of the debt service to finance \$300,000 fire truck.</p> <p>City of Big Timber: Tax Prepayments: Year 1, \$43,426; Year 2, \$75,400; Year 3, \$65,492; Year 4, \$44,293; Year 5, \$7,231.</p> <p>Big Timber Elementary School District: \$4,600 for school facility evaluation. At the time that the BTGS enrollment reaches 360 students, and the number of SMC in-migrating mineral development students is 20 or more,</p>	<p><u>1988 Amendment:</u> Stillwater County: Tax prepayments: Yr 1988, \$79,240; 1989, \$24,931; 1990, \$44,738; 1991, \$63,481; 1993, \$675,186; 1994, \$135,186; 1995, \$395,186 (note no payment in 1992). Tax prepayment not to exceed \$1,618,000 for reconstruction of Highway 419.</p> <p>Town of Columbus: \$179,000 grant for sewer and water improvements and \$6,000 grant for well engineering costs. Tax prepayment of \$127,000 in 1988.</p> <p>Absarokee Elementary School District: Tax Prepayment in FY88-89: \$30,000 if in-migrating students (IMS) exceeds 55; \$40,000 if IMS exceeds 68;</p>		
IMPACT PLAN PAYMENTS (3)									<p><u>1998 Amendment</u> Stillwater County: Mine will cover net "impact" operating costs in excess of \$1,000 in any year in the form of a tax prepayment. The Mine will provide 20% of the funding, not to exceed \$900,000 to reconstruct portion of Highway 419.</p> <p>Town of Columbus: Mine will cover net "impact" operating costs in excess of \$1,000 in any year in the form of a tax prepayment. Mine will convert \$127,000 tax prepayment to grant for sewer treatment facility capital costs and also grant add'l \$196,000 for same. Provide tax prepayment for actual costs to resurface 1st Ave South.</p>		
COMMENTS		Tintina Resources is completing baseline studies and preparing to submit an application for a Mine Operating Permit to DEQ before the end of 2015.	Montana Resources states it has resources for another 20 years. The mine is seeking to expand the permitted elevation of it tailings impoundment and has selected an independent tailing review panel as required by SB409 approved by the 2015 Legislature which governs tailings impoundment construction and expansion.	Mine announced Sept. 16, 2015 that 140 employees will be laid off by November. All surface mine production will end in November 2015. Underground operations will continue, with 34 employees remaining to support processing and underground operations.	Mine operating with a minimal crew since 2005. Company website mentions possible expansion of operations to new "M" pit, and that "all permits for expansion were obtained in 2008."	Company website states the mine is currently undergoing "advanced stage engineering and permitting." The Kootenai NF released the Final EIs and draft Record of Decision on March 2015. DEQ has already issued a draft permit for operations.	Company website states the project is in "Late Stage Permitting." Kootenai NF is in "final stages" of preparing a draft Supplemental EIS. The draft is scheduled for release before the end of 2015.	The company laid off 119 union and salaried workers August 2015 to cut costs. The company also imposed a new contract on Sept. 1st for 900 workers	The contract covering 400+ workers will expire at the end of 2015.	One of the largest suppliers of portland and blended cements and related mineral components in the U.S.	The mine is in "care and maintenance" status as of January 2015, and will be into "final reclamation phase" next.

HARD ROCK IMPACT PLANS

MINE	COMPANY	COUNTY	IMPACT PLAN	AFFECTED GOVERNMENT UNITS
Montana Tunnels	Eastern Resources Inc. (ownership has changed several times)	Jefferson	1985 Impact Plan by Centennial Minerals Inc. on file	<ol style="list-style-type: none"> 1. Boulder Elementary School District 2. Boulder Valley Rural Volunteer Fire Department 3. Clancy Elementary School District 4. Jefferson County 5. Jefferson County Refuse Disposal District 6. Jefferson High School District 7. Montana City Elementary School District 8. Montana City Rural-Volunteer Fire Department 9. Town of Boulder
Montanore Project	Montanore Minerals Corp. (acquired from Noranda Minerals Corp.)	Lincoln, Sanders	<ol style="list-style-type: none"> 1. 1991 Impact Plan by Noranda Minerals Corp. on file. 2. 2005 Amendments by Montanore Minerals Corp. on file 3. 2008 Amendment on file to incorporate the 2007 Socioeconomic Report. 	<ol style="list-style-type: none"> 1. City of Eureka 2. City of Libby 3. City of Troy 4. Eureka Elementary School District 5. Libby K-12 School District 6. Lincoln County 7. Lincoln County High School District 8. Troy Elementary School District 9. Troy High School District
Rock Creek Project	Hecla Mining Co (acquired from Revett Mining Co, Inc, who acquired it from ASARCO Inc. in 1999)	Sanders	1997 Impact Plan by ASARCO Inc. on file	<ol style="list-style-type: none"> 1. City of Libby 2. City of Plains 3. City of Thompson Falls 4. City of Troy 5. Heron Rural Fire District 6. Libby K-12 School District 7. Lincoln County 8. Noxon Rural Fire District 9. Noxon Elementary School District 10. Noxon High School District 11. Plains Elementary School District 12. Plains High School District 13. Sanders County 14. Thompson Falls Elementary School District 15. Thompson Falls High School District 16. Thompson Falls Rural Fire District 17. Trout Creek Elementary School District 18. Trout Creek Rural Fire District 19. Troy Elementary School District 20. Troy High School District
SMC East Boulder Project	Stillwater Mining Co	Sweetgrass	<ol style="list-style-type: none"> 1. 1995 Impact Plan on file 2. 1998 Amendment on file 	<ol style="list-style-type: none"> 1. Bridge Elementary School District 2. Big Timber Grade School District 3. City of Big Timber 4. Grey Cliff Elementary School District 5. McLeod Elementary School District 5. Melville Elementary School District 6. Sweet Grass County 7. Sweet Grass County High School
SMC Nye Expansion Project	Stillwater Mining Co	Stillwater	<ol style="list-style-type: none"> 1. 1985 Impact Plan on file 2. 1988 Amendment on file 3. 1998 Amendment on file 	<ol style="list-style-type: none"> 1. Absarokee Elementary School District 2. Absarokee High School District 3. Absarokee Water and Sewer District 4. Columbus Elementary School District 5. Columbus High School District 6. Fishtail Elementary School District 7. Nye Elementary School District 8. Stillwater County 9. Town of Columbus

MONTANA COAL BOARD MEETING
INFORMATION FOR TRAVEL EXPENSE VOUCHER

Please furnish the following information to assist us in correctly computing your State of Montana travel expense voucher:

NAME: _____

Address: _____

City: _____ Zip: _____

Meeting Location (City or Town): _____

Meeting Date: _____

Mileage reimbursement .53.5¢/mile~effective 1/1/17

Date of departure to attend meeting:

Time of departure to attend meeting:

Time of arrival to attend meeting:

Car miles traveled (one way):

Date of departure to travel home:

Time of arrival home (estimated):

OVERNIGHT LODGING: If you were absent from home overnight to attend the meeting, **attach your motel or hotel receipt-\$83.00 plus tax reimbursable (effective 10/1/13)**. If you were away from home overnight but have no receipt, you are eligible for a \$12.00 reimbursement.

MEAL REIMBURSEMENT (This is dependent on your travel times)

Morning meal \$ 5

Midday meal \$ 6

Evening meal \$12

Total per day \$23

Signature of Board Member

Date