



ADMINISTRATIVE RULES OF MONTANA



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.

Authorizing statute(s): Sec. 90-6-305, MCA

Implementing statute(s): Sec. 90-6-307, MCA

History: 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.