

MINUTES

MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By CHAIRMAN GERRY DEVLIN, on April 6, 1995, at
8:00 a.m.

ROLL CALL

Members Present:

Sen. Gerry Devlin, Chairman (R)
Sen. Mike Foster, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Delwyn Gage (R)
Sen. Lorents Grosfield (R)
Sen. John G. Harp (R)
Sen. Dorothy Eck (D)
Sen. Barry "Spook" Stang (D)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Jeff Martin, Legislative Council
Renée Podell, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing:
Executive Action: HB 569, HB 389, HB 449

EXECUTIVE ACTION ON HB 569

Motion: SEN. MIKE FOSTER MOVED AMENDMENTS TO HB 569
(hb056902.ajm).

Discussion: SEN. MACK COLE asked Mr. Fitzpatrick what was the
dollar amount per year which would go to Northern University.
Mr. Fitzpatrick responded the bill with the amendments will leave
Northern University with \$240,000.00 per year.

Vote: MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. COLE MOVED HB 569 BE CONCURRED IN AS AMENDED.
MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 449

Motion: SEN. FOSTER MOVED AMENDMENTS FOR HB 449 (HB044901.AGP).
MOTION CARRIED UNANIMOUSLY.

Motion/Vote: SEN. FRED VAN VALKENBURG MOVED HB 449 BE CONCURRED
IN AS AMENDED. MOTION CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 389

Motion/Vote: SEN. BARRY "SPOOK" STANG MOVED THE FIRST SET OF
AMENDMENTS FOR HB 389 (hb038902.ajm). MOTION CARRIED
UNANIMOUSLY.

Motion/Vote: SEN. STANG MOVED THE SECOND SET OF AMENDMENTS FOR
HB 389 (hb038901.ajm).

Discussion: SEN. FOSTER asked Ms. Wittinghill to comment on the
second set of amendments. Ms. Wittinghill stated the amendments
come from the Department of Revenue. She said the DOR believes
it's important to have a contract with the County Assessor
because the duties assigned to the Assessor are statutory
responsibility of the DOR.

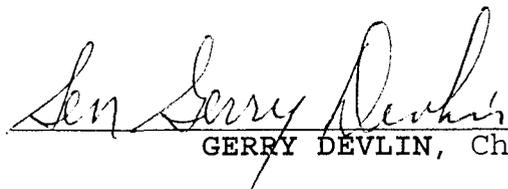
SEN. VAN VALKENBURG asked Ms. Wittinghill what remedy does the
DOR have for a breach of this contract. Ms. Wittinghill said the
remedy for a breach of contract would be the DOR would start
working with the County Commissioners to inform them of the
problem and if the County Commissioners and the DOR decided to
breach the contract then the DOR would put a full time employee
in that position.

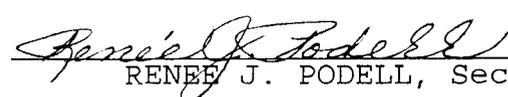
Vote: MOTION FAILED 3 - 5 (SEN. DOROTHY ECK NOT IN ATTENDANCE
FOR THE VOTE) on roll call vote.

Motion: SEN. JOHN HARP MOVED HB 389 BE TABLED. MOTION CARRIED 7
- 1 WITH SEN. STANG VOTING IN OPPOSITION TO THE MOTION on a voice
vote.

ADJOURNMENT

Adjournment: 8:53 a.m.


GERRY DEVLIN, Chairman


RENEE J. PODELL, Secretary

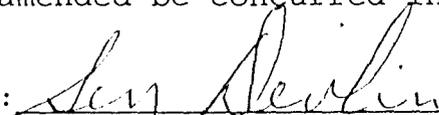
GD/rp

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 6, 1995

MR. PRESIDENT:

We, your committee on Taxation having had under consideration HB 449 (third reading copy -- blue), respectfully report that HB 449 be amended as follows and as so amended be concurred in.

Signed: 
Senator Gerry Devlin, Chair

That such amendments read:

1. Page 6, line 14.

Insert: "

NEW SECTION. Section 7. Coordination instructions. (1)

If [this act] and House Bill No. 563 are both passed and approved, then:

(a) the definition of department in [section 11] of House Bill No. 563 is effective and the striking of the definition in [section 1 of this act] is void;

(b) the references to "state auditor" in 17-4-103, 17-4-105, and 17-4-106 of [this act] are changed to "department"; and

(c) references to "state auditor" in 39-51-3207 of House Bill No. 563 are changed to "department of administration".

(2) If [this act] and House Bill No. 36 are both passed and approved, then the references to "state auditor" in 53-1-411 are changed to "department of administration".

Renumber: subsequent section

-END-



Amd. Coord.
Sec. of Senate


Senator Carrying Bill

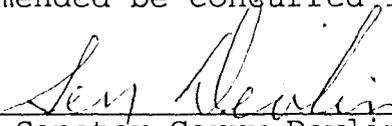
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SENATE STANDING COMMITTEE REPORT

Page 1 of 2
April 6, 1995

MR. PRESIDENT:

We, your committee on Taxation having had under consideration HB 569 (third reading copy -- blue), respectfully report that HB 569 be amended as follows and as so amended be concurred in.

Signed: 
Senator Gerry Devlin, Chair

That such amendments read:

1. Title, line 9.
Strike: "48"
Insert: "46"
2. Page 1, line 22.
Strike: "7.2%"
Insert: "8.5%"
3. Page 1, lines 25 and 26.
Strike: subsection (e) in its entirety
Renumber: subsequent subsections
4. Page 1, line 27.
Strike: "4.6%"
Insert: "4.8%"
5. Page 2, line 6.
Strike: "(1)(G)(I)"
Insert: "(1)(f)(i)"
6. Page 2, lines 15, 18, and 19.
Strike: "(1)(G)"
Insert: "(1)(f)"
7. Page 6, line 5.
Following: "and"
Insert: "and"
8. Page 6, lines 6 and 7.
Following: "15-38-106(2)(b)"
Strike: remainder of line 6 through "15-37-117(1)(d)(1)(E)" on
line 7
9. Page 7, line 6.
Strike: "(1)(F)"
Insert: "(1)(e)"


Amd. Coord.
Sec. of Senate


Senator Carrying Bill

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10. Page 7, line 16.

Strike: "(1)(G)"

Insert: "(1)(f)"

11. Page 8, lines 15 and 25.

Strike: "(1)(G)"

Insert: "(1)(f)"

12. Page 9.

Following: line 3

Insert: "NEW SECTION. **Section 8. Coordination instruction.** If
Senate Bill No. 46 and [this act] are both passed and
approved, then the amendment to 15-37-117(1)(c) contained in
Senate Bill No. 46, relating to the percentage allocation to
the resource indemnity trust fund, is void."

Renumber: subsequent section

-END-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 6, 1995

MR. PRESIDENT:

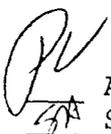
We, your committee on Taxation having had under consideration HB 591 (third reading copy -- blue), respectfully report that HB 591 be amended as follows and as so amended be concurred in.

Signed: Sen. Devlin
Senator Gerry Devlin, Chair

That such amendments read:

1. Page 9, line 22.
Strike: "or"
Insert: "and"
2. Page 10, lines 14 through 16.
Strike: subsection (8) in its entirety

-END-



Amd. Coord.
Sec. of Senate

Sen. Foster
Senator Carrying Bill

790948SC.SPV

Amendments to House Bill No. 449
Third Reading Copy

For the Committee on Taxation

Prepared by Greg Petesch
March 30, 1995

1. Page 6, line 14.

Insert: "

NEW SECTION. Section 7. Coordination instructions. (1)

If [this act] and House Bill No. 563 are both passed and approved, then:

(a) the definition of department in [section 11] of House Bill No. 563 is effective and the striking of the definition in [section 1 of this act] is void;

(b) the references to "state auditor" in 17-4-103, 17-4-105, and 17-4-106 of [this act] are changed to "department"; and

(c) references to "state auditor" in 39-51-3207 of House Bill No. 563 are changed to "department of administration".

(2) If [this act] and House Bill No. 36 are both passed and approved, then the references to "state auditor" in 53-1-411 are changed to "department of administration".

Renumber: subsequent section

Amendments to House Bill No. 389
Third Reading Copy

Requested by Senator Stang
For the Committee on Taxation

Prepared by Jeff Martin
April 5, 1995

1. Title, lines 5 and 6.

Following: "ALLOWING"

Strike: the remainder of line 5 through "AGENT OF" on line 6

Insert: "A COUNTY TO CONTRACT ASSESSOR SERVICES TO"

2. Title, lines 6 and 7.

Strike: "PROVIDING" on line 6 through "STATE;" on line 7

3. Title, line 10.

Strike: "7-3-1309,"

Strike: "7-6-4409, 7-6-4410,"

4. Title, lines 11 through 22.

Strike: "7-12-4181" on line 11 through "15-8-601," on line 14

Strike: "15-8-707," on line 14 through "85-8-601," on line 22

Strike: "85-9-603" on line 22

Insert: "61-3-303"

5. Page 1, line 27.

Strike: "designate an"

Insert: "contract with the department of revenue pursuant to
section 162, Chapter 27, Special Laws of November 1993, for
the"

6. Page 1, line 30.

Following: "duties"

Insert: "as assigned by the department"

7. Page 2, lines 2 through 8.

Strike: subsections (b) and (c) in their entirety

Insert: "(b) Upon being notified by the county commissioners
that the county intends to contract with the department
pursuant to subsection (1)(a), the department shall enter
into a contract with the county pursuant to the provisions
of section 162, Chapter 27, Special Laws of November 1993.
(c) A contract entered into under this section must contain
the following provisions:

(i) the contract is specific to the person who is the
assessor at the time that the contract is consummated;

(ii) the assessor shall perform satisfactory property tax
assessment work as assigned by the department;

(iii) the assessor shall abide by the standards of work
conduct, behavior, and ethics applicable to department employees;

(iv) the assessor shall satisfactorily complete the courses
provided for in 15-7-106(4); and

(v) the assessor may not commit acts of malfeasance of

office.

(d) The contract may be rescinded by the department only for a breach of a material provision of the contract. The department may not rescind a contract unless the department has provided the county and the assessor with written notice of a deficiency and has given the assessor at least 30 days to correct the deficiency. A rescission by the department is effective the later of 30 days after the giving of notice or the end of the period allowed for correction of the deficiency."

8. Page 2, lines 11 through 22.

Strike: subsection (3) in its entirety

9. Page 2, line 24 through page 3, line 1.

Strike: section 2 in its entirety

Renumber: subsequent sections

10. Page 5, line 15 through page 26, line 13.

Strike: sections 10 through 46 in their entirety

Renumber: subsequent sections

11. Page 27, line 16 through page 50, line 27.

Strike: sections 48 through 87 in their entirety

Renumber: subsequent sections

12. Page 51, lines 23, 28, and 30.

Strike: "of revenue"

13. Page 52, line 1 through page 63, line 11.

Strike: subsections 89 through 110 in their entirety

Renumber: subsequent section

Amendments to House Bill No. 389
Third Reading Copy

Requested by Senator Stang
For the Committee on Taxation

Prepared by Jeff Martin
April 5, 1995

1. Page 26, line 17.

Following: "kept"

Strike: "in"

Insert: "for"

2. Page 26, line 20.

Strike: "in a county in which"

Insert: "when"

Amendments to House Bill No. 569
Third Reading Copy

Requested by Senator Foster
For the Committee on Taxation

Prepared by Jeff Martin
April 5, 1995

1. Title, line 9.
Strike: "48"
Insert: "46"
2. Page 1, line 22.
Strike: "7.2%"
Insert: "8.5%"
3. Page 1, lines 25 and 26.
Strike: subsection (e) in its entirety
Re-number: subsequent subsections
4. Page 1, line 27.
Strike: "4.6%"
Insert: "4.8%"
5. Page 2, line 6.
Strike: "(1)(G)(I)"
Insert: "(1)(f)(i)"
6. Page 2, lines 15, 18, and 19.
Strike: "(1)(G)"
Insert: "(1)(f)"
7. Page 6, line 5.
Following: "and"
Insert: "and"
8. Page 6, lines 6 and 7.
Following: "15-38-106(2)(b)"
Strike: remainder of line 6 through "15-37-117(1)(d)(1)(E)" on
line 7
9. Page 7, line 6.
Strike: "(1)(F)"
Insert: "(1)(e)"
10. Page 7, line 16.
Strike: "(1)(G)"
Insert: "(1)(f)"
11. Page 8, lines 15 and 25.
Strike: "(1)(G)"
Insert: "(1)(f)"
12. Page 9.

Following: line 3

Insert: "NEW SECTION. **Section 8. Coordination instruction.** If Senate Bill No. 46 and [this act] are both passed and approved, then the amendment to 15-37-117(1)(c) contained in Senate Bill No. 46, relating to the percentage allocation to the resource indemnity trust fund, is void."

Renumber: subsequent section

