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HOUSE RULES COMMITTEE
46th Legislature

AUG 10 1979

OF MONTANA

18 April 1979

Chairman Dussault convened the Rules Committee at 8:15 pm in Room 437. All members were present except Representative Brand.

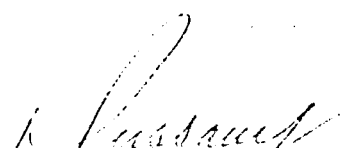
Chairman Dussault brought to the attention of the committee the matter of House Bill 63 and whether the Senate amendments to HB 63 were within the scope of the title of the bill. Following discussion, Representative Sivertsen moved that the Rules Committee find that the Senate amendments were within the scope of the title of the bill. A roll call vote was taken and the motion failed. Representatives Ramirez and Sivertsen voted in favor of the motion. Representatives Bardanouve, Huennekens, Kvaalen, Moore, Vincent and Dussault voted against the motion. Speaker Gerke abstained. Chairman Dussault instructed that the vote be reversed on a positive motion and without objection a motion to find the Senate amendments not within the scope of the title of the bill carried. Without objection Chairman Dussault then instructed that the bill be reported to second reading and that she would ask that the body reject the amendments.

Representative Moore then moved that SB 525 introduced by the Joint Rules Committee be concurred in. The motion carried unanimously.

Chairman Dussault then brought the amendments to SB 372 before the committee. The question before the committee was whether the Appropriations Committee amendments to SB 372 were within the scope of the title of the bill.

Representative Ramirez moved that the added new Section 3 be found within the scope of the title of the bill. The motion carried unanimously. He then moved that Section 4 be found not within the scope of the title of the bill. That motion also carried unanimously.

Chairman Dussault then adjourned the meeting.


DUSSAULT, Chairman

Art. VIII, § 4 1972 CONSTITUTION OF MONTANA

Section 4. Equal valuation. All taxing jurisdictions shall use the assessed valuation of property established by the state.

Convention Notes

No change except in grammar [Art. XII, sec. 5]. Guarantees the same assessed value will be used by all taxing authorities.

Decisions under Former Provisions

For decisions relating to similar provisions in the 1889 Constitution, see annotations following sec. 5, Art. XII of the 1889 Constitution in bound Volume One, Part 1.

Section 5. Property tax exemptions. (1) The legislature may exempt from taxation:

(a) Property of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately.

(b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes.

(c) Any other classes of property.

(2) The legislature may authorize creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby.

Convention Notes

1889 constitution [Art. XII, sec. 2] makes it mandatory that all property listed in subsection (1) (a) be exempt from taxation. Revision leaves all exemptions at discretion of legislature. Specifically permits taxation of private interests in government-owned property and assessment of special improvement district charges on tax exempt property.

Cross-References

Exemptions from taxation, sec. 54-202.

Decisions under Former Provisions

For decisions relating to similar provisions in the 1889 Constitution, see annotations following sec. 2, Art. XII of the 1889 Constitution in bound Volume One, Part 1, and in this supplement.

Section 6. Highway revenue non-diversion. (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on public highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for:

(a) Payment of obligations incurred for construction, reconstruction, repair, operation, and maintenance of public highways, streets, roads, and bridges.

(b) Payment of county, city, and town obligations on streets, roads, and bridges.

(c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.

(2) Such revenue may be appropriated for other purposes by a three-fifths vote of the members of each house of the legislature.

Convention Notes

Revises 1956 amendment to the 1889 constitution [Art. XII, sec. 1b] by removing motor vehicle registration fees from the earmarking provision; by including local government road and street

systems, highway safety programs and driver education programs as permissible uses of earmarked funds and by allowing the legislature by a three-fifths vote to direct the earmarked funds to other purposes.

Decisions under Former Provisions
For decisions relating to provisions in the 1889 Constitution

Section 7. Tax appeal procedures for equalization, and taxes at the local government

Convention Notes

New provision requiring to establish procedures for appeals. Appeal procedures an opportunity to have them at the local level.

Section 8. State authorized by a two-thirds legislature or a majority of be created to cover deficiated revenue.

Convention Notes

Revises 1889 constitution sec. 2] by replacing obsolete on state debt with provision 2/3 vote of the legislature at an election may create

Section 9. Balance not exceed anticipated r

Convention Notes

No change except in grammar sec. 12]. Requires legislature in estimated revenue limit printing funds.

Section 10. Local limit debts of counties, entities.

Convention Notes

Revises 1889 constitution sec. 5, 6]. Debt limitations governmental entities will rather than by the constitution

Cross-References

County indebtedness, limit

Section 11. Use of half of the state or any entity shall be used only

Convention Notes

No change except in grammar Art. XII, sec. 5].