

MINUTES OF THE MEETING
APPROPRIATIONS COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

April 1, 1985

The meeting of the Appropriations Committee was called to order by Chairman Bardanouve on April 1, 1985 in Room 104 of the State Capitol.

ROLL CALL: All members were present except Representative Donaldson, who was absent, and Representative Quilici, who was excused.

(Tape 78:A:000)

HOUSE BILL 955: "AN ACT TO APPROPRIATE MONEY TO DANIELS COUNTY TO REIMBURSE THE COUNTY FOR REFUNDS OF CORPORATE LICENSE TAXES."

Representative Nathe (004) asked the Department of Revenue to speak on his bill.

Dan Bucks, Deputy Director, Operations, Department of Revenue, said the department does not oppose the idea of reimbursing Daniels County, but does oppose the idea of reimbursing one county when the majority of counties statewide have lost revenue because of the changes in the law on paying bank taxation in the neighborhood of \$2 million. He said Daniels County believes that because they paid, by choice, a refund on amended returns as opposed to offsetting that claim for a refund against future taxes, this method of payment has resulted in Daniels County losing money they otherwise would not have been liable for. The fact is that if they had chosen the other option, that bank had a valid claim for that refund and this claim has to be paid regardless of the method of payment. Dan Bucks said the source of the problem is not the decision made at the county level or the advice given to Daniels County by the department, but the changing nature of the bank tax law which resulted in 1982 when the 1983 Legislature adopted a formula approach to try to make up the lost revenue for local governments and that formula approach made up most of the revenue, but except not quite. It left local governments with 8 to 10 percent less money statewide on the average than they had before. Burlington Northern took the 1983 law to court and said it was invalid under the 1982 court decision. The Montana Supreme Court agreed that the law was invalid under the 1982 decision, but they said the 1982 decision was wrong. Dan Bucks said when the Department of Revenue reads the 1984 decision, any returns filed before the date of November, 1984 would be treated under the former law - the 1983 law - and any returns filed, amended or otherwise, after that decision would be treated under the 1979 law.

Appropriations Committee
April 1, 1985

Dan Bucks said Daniels County is not unique, but this is Daniels County piece of the \$2 million revenue loss.

Representative Bardanouve (054) asked if this claim is paid, would it set a precedent for all the rest of the \$2 million. Dan Bucks said he thinks the Legislature would have to judge whether this would be a precedent, but in his mind it would be a precedent. Representative Nathe closed on his bill.

E X E C U T I V E A C T I O N

Representative Hand (173) made a motion the House Bill 955 Do Pass. Representative Menahan made a substitute motion that House Bill 955 Do Not Pass. Representative Moore made an amendatory motion that House Bill 955 be TABLED. A roll call vote was taken and the motion carried, with Representatives Lory, Manuel, Miller, Nathe abstaining; and the proxy vote of Representative Quilici was yes.

HOUSE BILL 952: "AN ACT TO APPROPRIATE FUNDS FOR IMPLEMENTATION OF THE RECOMMENDATIONS OF THE SELECT COMMITTEE ON WATER MARKETING TO FURTHER THE DEVELOPMENT OF A COMPREHENSIVE WATER POLICY FOR MONTANA."

Representative Bradley (245) is carrying the bill for the bill's sponsor, Representative Iverson. She presented some proposed amendments to the bill (See Standing Committee Report in these Minutes).

E X E C U T I V E A C T I O N

Representative Bradley (386) made a motion the amendments be accepted (EXHIBIT 1). A voice vote was taken and the motion carried unanimously.

Representative Bradley made a motion that House Bill 952 AS AMENDED DO PASS. A roll call vote was taken and the motion carried, with Representatives Hand, Manuel, Moore, Thoft and Waldron voting no.

Adjourn: The meeting adjourned.



REPRESENTATIVE BARDANOUVE, Chairman

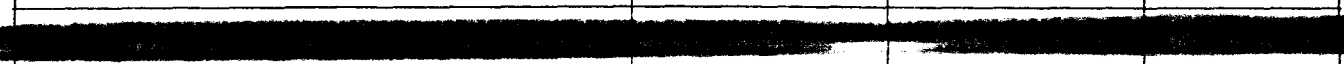
DAILY ROLL CALL

APPROPRIATIONS

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date April 1, 1985

NAME	PRESENT	ABSENT	EXCUSED
BARDANOUVE	X		
DONALDSON		X	
BRADLEY	X		
CONNELLY	X		
ERNST	X		
HAND	X		
LORY	X		
MANUEL	X		
MENAHAN	X		
MILLER	X		
MOORE	X		
NATHE	X		
PECK	X		
QUILICI			X
REHBERG	X		
			
SWIFT	X		
THOFT	X		
WALDRON	X		
WINSLOW	X		

STANDING COMMITTEE REPORT

April 1, 1935

Page 1 of 2

SPEAKER

MR.

APPROPRIATIONS

We, your committee on

HOUSE

having had under consideration Bill No. 952

First

White

reading copy (.....)
color

Appropriation for Water Policy Development.

HOUSE

952

Respectfully report as follows: That Bill No.

BE AMENDED AS FOLLOWS:

1. Page 2, following line 14
Strike: Line 15 through line 7 on page 3
Re-number: Subsequent subsections

2. Page 3, line 10
Strike: "\$40,000"
Insert: "\$30,000"

Insert: "1985-87 Disasters"

4. Page 3, line 20
Strike: "\$341,840" 5317,840"
Insert: "\$10,500"

XXXXXX
DO PASS

April 1. 1935

5. Page 3, following line 28
Insert: "resource indemnity trust interest account \$78,500
water development state special revenue account \$78,500"
6. Page 3, line 22
Strike: "\$81,730"
Insert: "\$39,000"
7. Page 4, line 5
Strike: "\$37,500 \$37,500"
Insert: "\$20,000 \$20,000"
8. Page 4, line 8
Strike: "FY 1936 FY 1937"
Insert: "1936-1937 Biennium"
9. Page 4, line 9
Strike: "\$39,375 \$39,375"
Insert: "\$31,250"
10. Page 4, line 11
Strike: "\$61,125 \$68,625"
Insert: "\$33,750"
11. Page 4, line 17
Strike: "\$37,500 \$37,500"
Insert: "\$20,000 \$20,000"
12. Page 4, line 21
Strike: "\$65,960 \$54,000"
Insert: "\$5,000 \$5,000"

AND AS AMENDED
DO PASS

ROLL CALL VOTE

HOUSE COMMITTEE APPROPRIATIONS

DATE April 1, 1985 BILL NO. HOUSE BILL 955 TIME

NAME	Nathe	AYE	NAY
BARDANOUE, FRANCIS (Chairman)		X	
DONALDSON, GENE (Vice Chairman)		Absent	
BRADLEY, DOROTHY		X	
CONNELLY, MARY ELLEN		X	
ERNST, GENE		X	
HAND, BILL		X	
LORY, EARL		Abstain	
MANUEL, REX		Abstain	
MENAHAN, WILLIAM		X	
MILLER, RON		Abstain	
MOORE, JACK		X	
NATHE, DENNIS		Abstain	
PECK, RAY		X	
QUILICI, JOE		X Proxy	
REHBERG, DENNIS		X	
SPAETH, GARY		X	
SWIFT, BERNIE		X	
THOFT, BOB		X	
WALDRON, STEVE		Absent	
WINSLOW, CAL		X	

JEAN CARROLL

Secretary

FRANCIS BARDANOUE

Chairman

Motion: Representative Moore made an amendatory motion that

House Bill 955 be TABLED.

ROLL CALL VOTE

HOUSE COMMITTEE APPROPRIATIONS

DATE April 1, 1985 BILL NO. House Bill 952 TIME _____

NAME	Iverson	AYE	NAY
BARDANOUE, FRANCIS (Chairman)		Pass	
DONALDSON, GENE (Vice Chairman)		Absent	
BRADLEY, DOROTHY		x	
CONNELLY, MARY ELLEN		x	
ERNST, GENE		x	
HAND, BILL			x
LORY, EARL		x	
MANUEL, REX			x
MENAHAN, WILLIAM		x	
MILLER, RON		x	
MOORE, JACK			x
NATHE, DENNIS		x	
PECK, RAY		x	
QUILICI, JOE		Excused	
REHBERG, DENNIS		x	
SPAETH, GARY		x	
SWIFT, BERNIE		x	
THOFT, BOB			x
WALDRON, STEVE			x
WINSLOW, CAL		x	

JEAN CARROLL

Secretary

FRANCIS BARDANOUE

Chairman

Motion: Representative Bradley made a motion that House Bill 952

AS AMENDED DO PASS.

Amend House Bill 952 as follows:

1. Page 1, following line 14
Strike: Line 15 through line 7 on page 3
Renumber: Subsequent subsections
2. Page 3, line 10
Strike: "\$40,000"
Insert: "\$28,000" ~~24~~ 26,200
3. Page 3, line 19
Strike: "FY 1986 FY 1987"
Insert: "1986-87 Biennium"
4. Page 3, line 20
Strike: "\$241,840" "317,840"
Insert: "\$10,500"
5. Page 3, following line 20
Insert: "resource indemnity trust interest account \$78,500
water development state special revenue account \$78,500" ~~78,500~~
6. Page 3, line 22
Strike: "81,730"
Insert: "30,000"
7. Page 4, line 5
Strike: "37,500" 37,500"
Insert: "20,000" 20,000"
8. Page 4, line 8
Strike: "FY 1986 FY 1987"
Insert: "1986-1987 Biennium"
9. Page 4, line 9
Strike: "30,375" 22,875"
Insert: "31,250"
10. Page 4, line 11
Strike: "91,125" 68,625"
Insert: "93,750"
11. Page 4, line 17
Strike: "37,500" 37,500"
Insert: "20,000" 20,000"
12. Page 4, line 21
Strike: "65,960" 54,660"
Insert: "5,000" 5,000"

1

Appropriation

HB 955

4/1/83 p.m.

Nathe

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.