

MINUTES OF THE MEETING
TAXATION COMMITTEE
MONTANA STATE SENATE

March 27, 1985

The fifty-seventh meeting of the Senate Taxation Committee was called to order at 8:07 am by Chairman Thomas E. Towe in Room 413-415 of the State Capitol.

ROLL CALL: Chairman Towe relinquished the chair to Vice Chairman Mazurek and excused himself to carry a bill in House Taxation. All other members of the committee were present.

CONSIDERATION OF HB 884: Representative Jerry Driscoll, House District 92, was recognized as chief sponsor of the bill. He explained that the bill would make a fiscal note available to the presiding officer and sponsor before it was printed. It would give the sponsor a chance to confer with the budget office and try to resolve differences before printing. If disagreement still remained the sponsor could have his own fiscal note printed as well. Representative Driscoll said the bill is an effort to bring credibility to the fiscal note process.

PROPOSERS

Mr. Dave Hunter, Director of the Office of Budget and Program Planning appeared as a proponent of the bill. He said that the 24-hour review period provided in the bill would resolve 90 percent of the disagreements on fiscal notes. He said the remaining 10 percent would have two fiscal notes. He said that his office encouraged passage of the bill.

Mr. Roger Tippy appeared representing himself as a former bill drafter and a current lobbyist. He said that often members bring something to the drafter and in an effort to get an accurate fiscal note ask for inappropriate language to be drawn into the bills. He said this bill would allow a fiscal note that comported with sponsor's intent. He said the bill was a productive useful step in fiscal note evolution.

OPPOSERS

None were heard.

Questions from the committee were entertained.

Senator Severson asked if this couldn't be accomplished by rule. Mr. Hunter answered that other language related to fiscal notes was statutory and this would be the most consistent handling of the problem.

Senator Halligan clarified that the chairman of a committee can still request a fiscal note. Mr. Hunter said, yes, through the presiding officer, as is the status quo.

Senator Goodover asked if a sponsor's fiscal note would have any

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credibility in comparison to the traditional one. Mr. Hunter said that in some instances the sponsors have better data available, and more clearly understand the assumptions involved. He said if the sponsor were forced to condense that to writing it would be useful in the legislative process.

Representative Driscoll closed saying that this session has required a large number of revised fiscal notes because no sponsor review process is possible. He said this should eliminate that by allowing the sponsor to see the note before its publication.

CONSIDERATION OF HB 845: Representative Ted Schye, House District 18, was recognized as chief sponsor of the bill. He said the bill was introduced at the request of the Valley County commissioners and county attorney. He said the legislation is modeled after that covering taxation of mobile homes and applies to houses that are moved. He said that currently a lien cannot be filed against the house, but only against the real property and that when the ownership is severed these houses can be moved if the taxes are not paid. The penalty in the bill is the same for that of mobile homes.

PROPONENTS

Mr. Charles Gravely of the Montana County Assessors Association said he had consulted with the Valley County assessor and attorney on this question. He said support was not an official position of the association but was in keeping with their concerns. He said it gives county treasurers the necessary help to handle the situation.

OPPONENTS

None were heard.

Questions from the committee were called for.

Senator Halligan clarified that the dates in the bill corresponded with the tax due dates.

Senator McCallum asked if the bill was written to address the problem with homes on the former Glasgow Air Force Base. Mr. Gravely said that was the motivation but that the usefulness of the bill was not limited to that. Mr. Gravely also addressed the problems with the houses being moved before the taxes were actually due.

Senator Eck suggested that all the "leasehold improvement" bills should have been grouped in this committee.

Senator Hager said that most of the cost of these homes was in the moving and he wondered if this would make it impossible to give away these houses. Mr. Gravely said that in most cases the person owning the land would have to pay the taxes. He said that the separation of ownership was the cause of the problem addressed by this bill.

Representative Schye closed without comment, saying that if the bill passed committee he would like Senator Hammond to carry it on the

Senate floor.

CONSIDERATION OF HB 815: Representative Harriet Hayne, House District 10, was recognized as chief sponsor of the bill. She said that the agriculture program for Montana schools was designed to help provide students with a better understanding of the food chain and the producers place. She said the program supplies teachers with material. This bill would allow a voluntary tax check off from the refund or add a payment for funding of this program. She said there would be a deduction for the cost of administration and the remainder of the money would be used in the program.

PROPOSERS

Ms. Connie Townsend was recognized. She provided the committee with Exhibit 1 which discussed the nationally sponsored program by USDA. The Montana program was detailed in Exhibit 2. She noted that the exhibit detailed the organizations currently supporting the program. She said last year the program was developed with three \$3000 grants. The funding had been used to develop fourth grade material. She said the material was designed to integrate with the regular curriculum. The program had been piloted in 23 Montana schools. She said a resource chest had also been developed. She said that Mountain Bell had given the program a \$4000 grant which would be used to expand the program into grades K through 3. She said they do not promote any political point of view.

Mr. Keith Kelly, Department of Agriculture, said they are the designated agency for handling the funding. He said they are very supportive of the effort. People, he said, do not realize how little the producer gets for the product.

Mr. Bob Stockton of the Office of Public Instruction rose to support the bill.

Ms. Lavina Lubinus, Women Involved in Farm Economics, said that her organization had long supported this concept and urged passage of the bill. She also submitted testimony from the Montana Cattlefeeders, Grange and Cattlemen in support of HB 815 (Exhibit 3).

Ms. Lorna Frank, Montana Farm Bureau Federation, submitted written testimony in support of the bill (Exhibit 4).

Ms. Nina Baucus, Montana Woolgrowers Association, said that they also supported the bill. She said that each state had to voluntarily finance the effort and that HB 815 was an appropriate way to do that.

Senator Gary Aklestad said that he supported the bill because it was carried out with volunteer effort and that it was incorporated into existing teaching rather than adding something new.

OPPOSERS

None were heard.

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Senator Halligan asked about the administrative costs. Mr. Ken Morrison of the Department of Revenue, referred to the fiscal note for a detailed look at the costs. He said that it is quite expensive to administer a tax check off.

Senator Lybeck asked how many are currently done. Mr. Morrison said that the wild life check off and the public campaign financing are the only two currently on Montana returns. He said there are more bills like this in this session. Senator Lybeck asked if this was a complication for the Department. Mr. Morrison said that a tax return is primarily to collect taxes, but also to carry out the policy of the legislature.

Senator McCallum asked how much revenue was anticipated. Mr. Morrison said that they estimated \$30,000 based on experience with the wild life check off.

Senator McCallum asked how it was distributed. Ms. Townsend said that the money is used for program development and that the developed program package is provided free to the schools.

Senator Goodover asked how it is presently funded and Ms. Townsend reviewed her previous comments relating to grant funding.

The committee discussed the functioning of the wild life check off and Senator Severson said that perhaps this should be patterned more like that.

Senator Halligan noted that there would be only \$10,000 to \$11,000 left after the administrative costs were removed. Ms. Townsend said that even that much would help. She said all efforts are volunteer, but that a Bozeman teacher had received a stipend to develop the material for the fourth grade program.

Senator Hager was reassured that the group would continue to seek grant funding. Ms. Townsend said that once they have a total K through 12 program the costs should go down. She said that the states are sharing material as it is developed.

Senator Hirsch asked what assurance there was that teachers would use the material. Ms. Townsend said that it had been developed in communication with teachers and administrators and that the response was overwhelmingly favorable. She said many schools had asked to be in the pilot program and had to be turned down because of lack of funding.

Senator Brown asked for a description of the material. Ms. Townsend said that the resource chest was filled with material on all aspects of Montana agriculture: samples of all grain grown in the state, beef by-products, wool from shearing through weaving, soil mock-ups minature farm equipment, etc.

Representative Hayne closed without further comment.

Senator Hirsch assumed the chair.

CONSIDERATION OF HB 884:

MOTION: Senator Hager moved that HB 884 be concurred in. The motion carried unanimously. Senator Hager agreed to carry the bill.

CONSIDERATION OF HB 101: It was noted to the committee that the bill already carried amendments. The amended fiscal note reflected costs as the committee had anticipated.

MOTION: Senator Halligan moved that HB 101 be concurred in as amended. The motion carried unanimously and Senator Severson agreed to carry the bill.

CONSIDERATION OF HB 616:

MOTION: Senator Halligan moved that HB 616 be amended per the standing committee report attached here.

Senator Halligan reviewed the amendments saying that they dealt with the creation of a district rather than with the substance of the bill itself.

Mr. Pat Melby was recognized. He said that the bill came out of the House committee right before transmittal deadline. He said it had been amended on the floor to add language that later was found to be inappropriate. He said that the mayor should be responsible for appointment of the board. He said that originally the bill had patterned business improvement district language after the special improvement district language, but that now it was felt that a BID should not be attached statutorily to the SID language. He said the amendments provide for flexibility in assessing costs and also limit the life of the BID.

The motion carried unanimously.

MOTION: Senator Halligan moved that HB 616 be concurred in as amended.

Senator McCallum noted that there were several bills on very similar subjects.

Senator Eck said that the bill appropriately offered options to local government on the creation of the BID.

Senator Halligan said that the bill did not erode the tax base.

Question was called and the motion carried unanimously. Senator Mazurek, absent at the moment, had agreed to carry the bill.

CONSIDERATION OF HB 315: Senator Hager asked about fiscal impact of the bill. Mr Jim Lear, committee staff, told the committee that the bill had no fiscal impact and that the fiscal note carried assumptions that were incorrect. He said the exception was to the proration and not to the taxation of parks. He said park taxes would be paid by the association or the developer.

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MOTION: Senator Eck moved that HB 315 be concurred in. The motion carried unanimously and Senator Eck volunteered to carry the bill during second reading.

CONSIDERATION OF HB 815: Senator Eck suggested that there could be a common form at the end of a tax form to unify the wording for all check offs. She felt it could cut down administrative cost.

Senator Brown said that the administrative costs seem inefficient. He said the Department was being paid around \$21,000 to collect \$30,000. Senator Severson said the figure needed to be justified.

Senator Lybeck said he objected to lumping the check offs together. Senator Eck said her intention was to group the instructions, not the funding.

The committee decided to wait until they had more information on the wild life check off to act on the bill.

CONSIDERATION OF HB 168: Senator Eck said there was still a problem with timberlands definitions in the bill.

Senator Severson said that the bill had come from the Governor's agricultural valuation committee. He said it was a part of their effort to leave a clear record of their work. He said that capitalized net income should be used. He said that the bill did not have that much meaning and that the numbers were more critical than the formula itself.

Senator Towe said that he liked the amendments that would take out the university system.

MOTION: Senator Hirsch moved to amend HB 168 as follows:

1. Page 3, line 17.

Following: "(6)"

Strike: "MONTANA STATE UNIVERSITY SHALL ANNUALLY"

Insert: "To the degree available, the department shall compile:
(a)"

2. Page 3, line 20.

Following: "DATA"

Strike: "SHALL"

Insert: "may"

3. Page 3, line 21.

Following: "PRICES"

Strike: "SHALL"

Insert: "may"

Following: "INCLUDE"

Strike: "BUT NOT BE LIMITED TO"

4. Page 3, line 24.
Following: "SHEEP."
Strike: "SUCH COMMODITY PRICES SHALL INCLUDE GOVERNMENT"
Insert: "Government"

Page 3, line 25.
Following: "PAYMENTS"
Strike: "CALCULATED PER UNIT OF MEASURE"
Insert: "may be considered"

6. Page 4, line 1.
Following: "ARRANGEMENTS"
Strike: "SHALL"
Insert: "may"
Strike: "COMPILED FOR EACH USE"
Insert: "considered"

7. Page 4, lines 2 and 3.
Following: line 1
Strike: all of line 2 and "adequate" on line 3
Insert: "(b)"

8. Page 4, line 5.
Following: "DATA"
Strike: "SHALL"
Insert: "may"

9. Page 4, line 6.
Following: "COSTS"
Strike: "SHALL"
Insert: "may"
Following: "INCLUDE"
Strike: "BUT NOT BE"

10. Page 4, line 7.
Following: line 6
Strike: "LIMITED TO"

11. Page 4, line 12.
Following: "ARRANGEMENTS"
Strike: "SHALL BE COMPILED FOR EACH LAND USE"
Insert: "may be considered"

12. Page 4, lines 13 and 14.
Strike: subsection (8) in its entirety
Re-number: subsequent subsections

13. Page 4, line 19.
Following: "THROUGH"
Strike: "(8)."
Insert: "(6). The advisory committee shall include one member of the Montana State University staff."

14. Page 4, line 25.
Following: "THROUGH"
Strike: "(9)"

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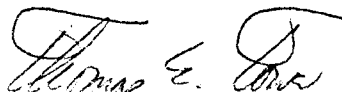
Insert: "(7)"

Question was called and the motion carried unanimously.

Mr. Lear commented to the committee that SB 33 amends the same section of the law in a different way. Senator Severson said that the intent was that SB 33 be temporary and that this apply thereafter.

Senator Neuman asked for time to work on this problem before the bill was acted on. Chairman Towe agreed.

Chairman Towe adjourned the meeting at 10 am.

A handwritten signature in cursive script, appearing to read "Thomas E. Towe".

Chairman

ROLL CALL

SENATE TAXATION COMMITTEE

49th Legislative Session -- 1985

Date March 27, 1985 8:07am

Location -- Room 413-415

Name Present Absent Excused

Senator Brown	✓		
Senator Eck	✓		
Senator Goodover	✓		
Senator Hager	✓		
Senator Halligan	✓		
Senator Hirsch	✓		
Senator Lybeck	✓		
Senator Mazurek	✓		
Senator McCallum	✓		
Senator Neuman	✓		
Senator Severson	✓		
Senator Towe	✓		

NAME Nina Baucus BILL NO. HB 815-

ADDRESS Box 167 Wolf Creek, 59648 DATE 8/27/85-

WHOM DO YOU REPRESENT Montana Woolgrowers

SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Because Sec. of Agriculture John Block stipulated that each state must finance its own Ag. in the Classroom Program, we feel ~~to~~ voluntary financing of this program through HB 815 would be the easiest method for Montana to finance Ag in the Classroom (AMS) program.

DATE March 27, 1985

COMMITTEE ON Taxation

VISITORS' REGISTER

[illegible]

(Please leave prepared statement with Secretary)

NAME Lavina Lubinus Bill No. HB 815
ADDRESS 1501 Chestnut DATE _____
WHOM DO YOU REPRESENT Women Involved in Farm Economics
SUPPORT X X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We have long supported the Agri. Sci. Schools concept that teaches the young about Agriculture thru math, Science, Geography and even spelling.

We hope the way of funding ~~the~~ will make that opportunity available to more of our school systems.

We urge your support of HB 815

Thank you

Lavina Lubinus

Mr. Chairman:

Montana Cattle Feeders

Montana Cattlemen

and

Orange would also like to offer their support

for HB 815

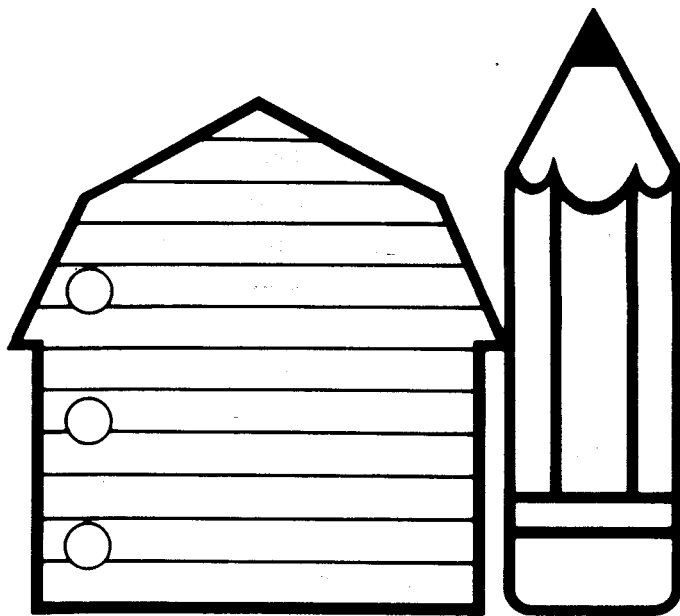
Exhibit 1 -- HB 815
March 27, 1985

**For more information on
Ag in the Classroom**

Write to: Dr. Peggy Hart, Director
Ag in the Classroom
Room 227-W
U.S. Department of Agriculture
Washington, D.C. 20250

Or Call: 202/447-5727

United States Department of Agriculture



Ag in the Classroom
Ag in the Classroom
Ag in the Classroom

What is Ag in the Classroom?

Ag in the Classroom is a program developed to help students in grades K-12 understand the whole agricultural arena. As the leaders of tomorrow, these youth need knowledge about agriculture to make decisions and to understand their world.

The U.S. Department of Agriculture is sponsoring the program and serves as a coordinator and advisor to the States. Each State, however, is responsible for developing its own program. The tremendous involvement from the States has made a significant difference in the program's success.

Participation in Ag in the Classroom is open to all interested individuals and organizations and includes a cross section of:

- agricultural groups — national and local, government and private sector
- educators — teachers, school principals, administrators, and government officials
- commodity groups
- volunteers

The nonfarm public often doesn't have the opportunity to learn how agriculture affects them and how their actions affect agriculture...Ag in the Classroom is changing this.

State Ag in the Classroom programs are providing much more than just curriculum. Other activities include developing exhibits, videotapes, and computer programs; offering teacher training and farm tours; and hosting special agricultural fairs.

One of the key concepts behind Ag in the Classroom is that the materials are meant to integrate with and supplement, not add to, existing classroom curriculum.

Why is AGRICULTURE so important?

Agriculture is the greatest sole contributor to the affluence, the health, and the well-being of our society.

Agriculture is not simply farming. It's the supermarket, the equipment factory, the trucking system, the overseas shipping industry, the scientist's laboratory, the houses we live in, and much more. It has an effect on the air we breathe, the ground we walk on, the water we drink, and the food we eat.

Our agricultural system...

...is necessary to people's daily needs for food, shelter, and clothing.

...is continuously changing in ways that affect everyday living.

...affects all other segments of society — in cities, in rural communities, and in other nations.

...determines how well we conserve and how wisely we use the Nation's forestry, soil, and water resources.

...makes up about one-fifth of the Nation's business.

...makes up a big share of our international trade and interacts with foreign policy and the world food and fiber system.

...has a major impact on the natural environment.

...is a high-tech science depending heavily on mechanization and research and development.

...works with government to protect consumers.

...shapes history and is an important part of our heritage.

Ag in the Classroom explains the importance of agriculture and how it affects the Nation's youth now and throughout the rest of their lives.

In 1896, William Jennings Bryan said,

*"Burn down your cities and leave our farms and your cities
will spring up again as if by magic, but destroy our farms and
the grass will grow in the streets of every city in the country."*

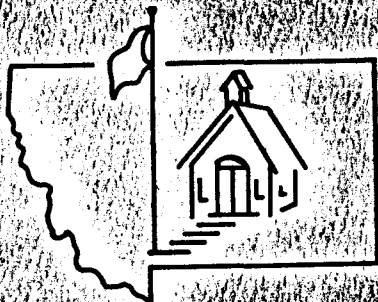
Roll Call of Members of Agriculture in Montana Schools

Beaverhead County Cowbelles
Bitterroot Cowbelles
Broadwater County Cowbelles
Broadwater Conservation District
Cascade County Conservation District
Darigold Farms
Federal Land Bank
Meagher County Cowbelles
Midland Council, Montana Pork Producers
Montana Association of Conservation Districts
Montana Association of Conservation Districts Auxiliary
Montana Association of Future Farmers of America
Montana Aviation Trades Association
Montana Beef Council
Montana Cattle Feeders Association
Montana Cattlemen's Association
Montana Cowbelles, Inc.
Montana Dairyman's Association

Montana Farm Bureau Federation
Montana Farmers Union
Montana Flying Farmers
Montana Grain Growers Association
Montana Livestock Tariff Bureau
Montana Porkettes
Montana Stockgrower's Association, Inc.
Montana Weed Control Association, Inc.
Montana Women in Timber
Montana Woolgrower's Association
Production Credit Association
Round Circle Cowbelles
Southwestern Montana Stockmen's Association
Stillwater County Cowbelles
Sweet Grass County T-Bone Cowbelles
Teton County Cowbelles
Women Involved in Farm Economics (WIFE)

1985000114S

Exhibit 2 -- HB 815
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AGRICULTURE IN MONTANA SCHOOLS

Why Agriculture in the Classrooms?

It is vitally important that our young people have a better understanding of the contribution of agriculture to their lives and to the nation's economy. From truck drivers to steelmakers to checkout counters, more jobs depend on agriculture than on any other enterprise. World food production and distribution, foreign trade policy and current political issues are all part of the story of agriculture. Yet, few of the nation's students comprehend the relationship of agriculture to aspects of their everyday lives.

Who Is Developing "Agriculture in Montana Schools"?

Representatives of agricultural organizations and educators, with the whole-hearted endorsement of the Office of Public Instruction and the Montana Department of Agriculture, have developed a pilot program to supplement existing curricula. Teachers and administrators, producers, and members of trade associations and agribusinesses are included.

The common goal is to provide young people with a better understanding of the crucial role of agriculture. The program shares ideas and projects that have proven successful in bringing the story of agriculture to school children in other states, and develops new programs for use in Montana.

What Does A.M.S. Offer the Schools?

The A.M.S. program offers a treasure chest of resource material which supplements and enhances the regular curriculum. Dedicated to the concept that all aspects of our society are derived from an agricultural base, the A.M.S. program is being integrated into every subject area of the fourth grade and will ultimately be expanded to all classes, kindergarten through 12th grade. The program includes films, tapes, books, magazines, lesson plans, class projects and actual agricultural presentations in schools, as well as field trips to farms or agribusinesses. The A.M.S. program is not an additional course to be added to the curriculum.

Who Is Benefiting from A.M.S.?

We are not interested in promoting specific commodities or furthering any political point of view. The ultimate goal is to heighten student awareness of the vital part agriculture plays in providing food, fibre and jobs for our people and an economic base for our state and nation. Everyone benefits as students, teachers and parents develop a better understanding of agriculture, thus becoming better producers and consumers of agricultural commodities.

How Can Montanans Help?

You can help with in-kind and/or financial contributions, your willingness to support these new materials and programs in local schools, and your interest in spreading the word about the program. Please send us any ideas or materials that can be incorporated into the program. Better yet, join us at our next meeting. Become more involved in America's food chain. Membership dues are \$100 per year.

For Further Information Write:

Agriculture in Montana Schools
Box 662
White Sulphur Springs, Montana 59645

Jo Brunner

AGRICULTURE LEGISLATIVE WORK

August 10, 1985

NAME JO BRUNNER COMMITTEE S. TAXATION
ADDRESS 1476 Kodiak Road, Helena DATE MARCH 27, 1985
REPRESENT Montana Cattlefeeders, Montana BILL NO. HB 815
Cattlemen and Montana Grange.
SUPPORT X ABEND OPPOSE

The Montana Cattlefeeders, Grange and Cattlemen are in full support of
HB 815.

Jo Brunner
Lobbyist

Exhibit 3 -- HB 815
March 27, 1985



502 South 19th

Bozeman, Montana 59715

Phone (406) 587-3153

TESTIMONY BY: Lorna Frank

BILL #: HB 815 DATE: 3/27/85

SUPPORT XXXX OPPOSE

Mr. Chairman, members of the committee, for the record my name is Lorna Frank, representing Montana Farm Bureau.

Farm Bureau has been involved in Ag in the Class room through our Women's Committee, this is an excellant way for farmers and ranchers to teach city and urban children about farm animals and their care.

Farm Bureau members are in full support of HB 815 and hopes this committee will give HB 815 a do pass recommendation.

- Exhibit 4 -- HB 815
March 27, 1985 -

SIGNED: Lorna Frank

STANDING COMMITTEE REPORT

March 27, 19 85

MR. PRESIDENT

We, your committee on Taxation

having had under consideration House Bill No. 101

third reading copy (blue)
color

(Senator Severson)

**REVISION OF MOTORCYCLE LAWS IMPOSING A FEE IN LIEU OF TAX ON
MOTORCYCLES.**

Respectfully report as follows: That House Bill No. 101

be amended as follows:

1. Page 2, lines 14 through 17.

Strike: lines 14 through 17 in their entirety

Insert: "	under 200 cc	200 cc to under 750 cc	750 cc and over
less than 4 years old	\$16	\$40	\$80
4 to 8 years old	\$ 8	\$20	\$40
over 8 years old	\$ 4	\$10	\$20 "

AND AS AMENDED
BE CONCURRED IN

XXXXX

XXXXXXXX

Senator Thomas E. Towe,

Chairman.

STANDING COMMITTEE REPORT

Page 1 of 4

March 27, 1985

MR. PRESIDENT

Taxation

We, your committee on

House Bill

having had under consideration..... No. 616

third reading copy (blue)
color

(Senator Mazurek)

AUTHORIZING CREATION OF BUSINESS IMPROVEMENT DISTRICTS.

House Bill

Respectfully report as follows: That..... No. 616

be amended as follows:

1. Page 2, lines 15 and 16.

Following: "municipality."

Strike: "CITY MANAGER IN CITY COMMISSION FORM OF GOVERNMENT."

2. Page 2.

Following: line 24

Insert: "(7) "Owner" means a person in whom appears the legal title to real property by deed duly recorded in the county records or a person in possession of real property under claim of ownership for himself or as the personal representative, agent, or guardian of the owner."

3. Page 3, lines 4 through 6.

Following: "district" on line 4

Strike: remainder of line 4 through "except" on line 6

Following: "as" on line 6

Strike: "otherwise"

4. Page 3, lines 10 through 15.

Strike: lines 10 through 15 in their entirety.

Insert: "Section 5. Resolution of intention to create business improvement district—notice. (1) Before creating a district the governing body shall pass a resolution of intention to do so designating the boundaries thereof.

(2) Notice of passage of the resolution must be published for five days in a daily newspaper or in one issue of a weekly paper published in the municipality or county or, in case no newspaper is published in the municipality or county, then by

XXXXX

XXXXXXXXXX

continued

Chairman.

March 27,

85

19.....

posting for 5 days in three public places in the municipality or county. A copy of the notice shall be mailed to every owner of real property within the proposed district listed on the last completed assessment roll for state, county, and school district taxes, at the owner's last-known address, on the same day the notice is first published or posted.

(3) The notice must describe the general purpose of the district and designate the time when and the place where the governing body will hear and pass upon all protests that may be made against the creation of such district. The notice shall refer to the resolution on file with the governing body or clerk, if any, for the description of the boundaries.

Section 6. Protest against proposed district. (1) Any owner of property liable to be assessed may make written protest against the extent or creation of the district to be assessed or both.

(2) The protest must be in writing and must be delivered to the governing body or its clerk, if any, not later than 5 p.m. of the last day within 15 days after the date of the first publication of the notice of the resolution of intention. The date and hour of receipt of the protest shall be endorsed thereon.

Section 7. Hearing on protest--sufficient protest to bar proceedings. (1) At a regular meeting of the governing body after the expiration of the time within which protest may be made, the governing body shall proceed to hear and pass upon all protests. Its decision shall be final and conclusive.

(2) The governing body may adjourn the hearing from time to time. A protestant shall have the right to withdraw a protest at any time before final action thereon by the council or commission.

(3) No further proceedings may be taken for a period of one year from the date when protest has been received by the governing body by owners of more than 50% of the property to be assessed for the district.

Section 8. Resolution creating business improvement district. When no protests have been delivered to the governing body within 15 days after the date of the first publication of the notice of the passing of the resolution of intention, when a protest shall have been found by the governing body to be insufficient or has been overruled, or when a protest against the extent of the proposed district has been heard and denied, the governing body has jurisdiction to order the creation of the district and shall pass a resolution creating the district in accordance with the resolution of intention."

Renumber: subsequent sections

5. Page 6, line 15.

Following: line 14

Strike: "assess a tax"

Insert: "levy an assessment"

.....continued.....

March 27, 1935

6. Page 6, line 22.

Following: "levy"

Strike: "and assess a tax"

Insert: "an assessment"

7. Page 6, line 24.

Following: "BASIS"

Strike: "THE METHOD"

Insert: "one of the methods"

8. Page 6, line 25.

Following: "section"

Strike: "11"

Insert: "15"

9. Page 7, lines 4 through 24.

Following: line 3

Strike: Section 11 in its entirety

Insert: "Section 15. Assessment of costs--area, lot, and taxable valuation options. (1) At the same time the board submits the annual budget and work plan to the governing body as provided in [section 14], the board shall also recommend to the governing body a method of levying an assessment on the property within the district which will best ensure that the assessment on each lot or parcel is equitable in proportion to the benefits to be received.

(2) The governing body shall assess the entire cost of the district against the entire district using a method which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received. In determining the method of assessment to be used the governing body shall consider the recommendations of the board. The governing board shall levy the assessment using one of the following methods:

(a) each lot or parcel of land within such district may be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys, and public places;

(b) if the governing body determines that the benefits derived by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the area of the lot or parcel;

(c) each lot or parcel of land, including the improvements thereon, may be assessed for that part of the whole cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district; or

(d) by using any combination of the assessment options provided in subsections (a) through (c)."

10. Page 8, lines 1 and 2.

Following: "is" on line 1

Strike: remainder of line 1 through line 2

Insert: "for the period specified in the resolution of the governing body creating the district but shall not be for a period

continued

March 27, 1935

longer than 10 years unless the duration of the district is extended in compliance with the provisions of [this act] for the creation of a district."

AND AS AMENDED
BE CONCURRED IN

.....
Sponsor - - - - -

STANDING COMMITTEE REPORT

March 27, 19 95

MR. PRESIDENT

Taxation

We, your committee on.....

House Bill

having had under consideration..... No. 884

third

reading copy (

blue

color

(Senator Hager)

PROVIDING FOR A SPONSOR'S FISCAL NOTE.

House Bill

Respectfully report as follows: That..... No. 884

BE CONCURRED IN

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~~XXXXXXXXXX~~

Senator Thomas E. Towe,

Chairman.

STANDING COMMITTEE REPORT

March 27, 1995

MR. PRESIDENT

We, your committee on Taxation
having had under consideration House Bill No. 315
third reading copy (blue)
color
(Senator Eck)

PRORATE TAXES ON COMMON ELEMENTS OF CONDOS AND SUBDIVISIONS.

Respectfully report as follows: That House Bill No. 315

BE CONCURRED IN

~~XXXXX~~

~~XXXXXXXXX~~

Senator Thomas E. Towe,

Chairman.