

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Chairman Harrington, on February 16, 1989, at
9:00 a.m.

ROLL CALL

Members Present: 17

Members Excused: 1

Members Absent: None

Staff Present: Dave Bohyer, Legislative Council

Announcements/Discussion: None

HEARING ON HOUSE BILL 590

Presentation and Opening Statement by Sponsor:

Rep. Ted Schye, District 18, stated HB 590 repeals licensing fees required by old laws. These fees are no longer reasonable or cost effective. Rep. Schye submitted a copy of the current laws. (Exhibit 1). Many of these are obsolete and no longer enforced. He urged support of the bill.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: None.

Closing by Sponsor: Rep. Schye made no further comment.

DISPOSITION OF HOUSE BILL 590

Motion: DO PASS by Rep. Raney

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: DO PASS carried by unanimous voice vote.

HEARING ON HOUSE BILL 566

Presentation and Opening Statement by Sponsor:

Rep. Dan Harrington, District 68, stated HB 566 is a bill dealing with small business incubators that assist start-up companies in their first difficult years. Rep. Harrington stated the Butte Silver Bow Development Center is the only municipally owned and operated business incubator in the nation. This has been very successful housing 24 small businesses which have created over 80 jobs. Incubators provide shared services to benefit new businesses. These services consist of secretarial, telephone, fax, copy, computer, meeting facilities, and may also include advice concerning marketing plans, business plans, accounting and administration. Rep. Harrington stated this bill gives a tax exemption to those providing business incubators.

Testifying Proponents and Who They Represent:

Jim Kambich, Director, Butte Silver Bow Business Development Center
Evan Barrett, Butte Local Development Corporation
Don Peebles, Chief Executive, Butte Silver Bow
Shelly Lane, City of Helena
Alec Hanson, League of Cities and Towns
Kay Foster, Chamber of Commerce, Billings

Proponent Testimony:

Jim Kambich stated the business incubator system in Butte has developed over eighty new jobs. This incubation system is vital for economic development and survival of the new small business. Mr. Kambich stated that Butte Silver Bow intends to turn over the incubator system to a stable, reliable organization that could continue the operation with the same mission, the creation of new jobs, as Butte Silver Bow has done. He urged support of the bill.

Evan Barrett stated his organization hopes to take over the Butte Silver Bow incubator system. He stated the property tax was an impediment to his organization acquiring this system. Mr. Barrett stated the costs to provide services to start ups are very high and the reduction of property taxes

for this endeavor would be of great help. This service is needed to help economic development. Mr. Barrett said other counties are considering establishing business incubators. He said the impact of this legislation would be minimal since the total property tax loss would be minor. Mr. Barrett suggested amending the bill to relieve all property taxes at the state and local level for any incubator buildings. He urged support of the bill.

Don Peebles stated this would provide statewide development. He said the eighty jobs created in two years was a significant amount of new employment for the state. He stated two companies have been graduated to other buildings and are now able to operate on their own. Mr. Peebles stated this is an excellent economic development bill with minimal cost impact and urged support of the bill.

Shelly Lane stated the City of Helena supports this bill, realizes the importance of economic development and recognizes the vital role a business incubator can play in this area. She urged support of the bill.

Alec Hanson stated this bill would be beneficial for all cities in the state and was a good economic development tool. He stated each city would make their own decision to support this. He urged passage of the bill.

Kay Foster stated the Chamber of Commerce supports this bill and urged the committee to pass the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Patterson asked Mr. Peebles what two businesses had graduated out of the business incubator in Butte. Mr. Kambich replied that one company was a research facility now located in an industrial park and the other was a food broker distributorship, both of which have developed new jobs beyond their beginning employees.

Closing by Sponsor: Rep. Harrington stated the bill was a positive step to assist new businesses and provide economic development for the state. He urged the committee to carefully consider the bill.

DISPOSITION OF HOUSE BILL 566

Motion: None.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: None. HB 566 will be considered in executive session at a later date.

HEARING ON HOUSE BILL 567

Presentation and Opening Statement by Sponsor:

Rep. Dan Harrington, District 68, stated in 1987, the legislature created a property tax incentive to enhance the use of existing buildings for new business development rather than erecting new structures. This was intended for the use and remodeling of old buildings. This incentive has been unsuccessful in Butte Silver Bow. Many blocks of the city will be wasted if the buildings are not used. Rep. Harrington stated HB 567 sought to allow an increase in the tax incentive percentage in order to allow local government to create a greater incentive for development of older structures in the area. Rep. Harrington stated this bill allows flexibility only to local governments with self-governing powers but the committee may wish to amend the bill deleting the self-governing reference.

Testifying Proponents and Who They Represent:

Evan Barrett, Butte Local Development Corporation
Alex Hanson, League of Cities and Towns
Don Peebles, Chief Executive, Butte Silver Bow
Kay Foster, Billings Chamber of Commerce

Proponent Testimony:

Evan Barrett stated that the original law was enacted to enhance the ability of Glendive to renovate old railroad depots for economic development. Mr. Barrett said the current tax incentive is not enough to create use of older buildings. Renovation is too expensive for the owners since the buildings usually require extensive repairs. He urged passage of the bill.

Alec Hanson stated that additional flexibility in the tax incentive to cities could create increased economic development. He said the committee may want to consider striking "self-governing" from the bill, however, in order to give all cities the opportunity to participate. He urged passage of the bill.

Don Peebles stated the bill was important legislation. He said the key is to provide motivation for economic development and this bill would fulfill that need. He urged

passage of the bill.

Kay Foster stated the bill would certainly provide incentive for local development and new business. She urged passage of the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Raney stated that Livingston had used this incentive three times in the past year and asked why Butte had not done so. Evan Barrett stated that certain amounts of the infrastructure in Butte were very deteriorated and a policy with more impact is needed. The renovation costs are so extensive and expensive that it is not cost effective for the owner at the present time. Rep. Raney asked if this would not create discrimination between allowing those who do not have funds to use this incentive and disallowing those who have extensive funds. Mr. Barrett replied the local government adopts a new percentage schedule that applies for that county so the flexibility is in the rate, not in choosing who receives it.

Rep. Ream stated there may be a technical problem in the bill since the percentages can be changed and since the last year is 100%, it could be held at that percentage. Rep. Harrington replied he did not see this as a problem. Mr. Barrett replied the intention is that they reach 100% after the fifth year. Rep. Ream stated there may need to be an amendment in this respect.

Closing by Sponsor: Rep. Harrington stated this bill provides a good method of encouraging economic development plus usage of existing rundown areas that can be renovated and salvaged with less expense than building new structures. He urged the committee to consider the bill favorably.

DISPOSITION OF HOUSE BILL 567

Motion: None.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: None. Action will be taken at a later date.

HEARING ON HOUSE BILL 560

Presentation and Opening Statement by Sponsor:

Rep. Mary Ellen Connelly, House District 8, stated HB 560 was an accommodations tax which would primarily help elderly people and others with serious medical problems who must travel to a medical center for treatment and stay in the area for several days or weeks at a time. This bill would provide a tax credit for this problem. She stated this bill would have a statement of intent since the Department of Revenue would have to create rules for its administration.

Testifying Proponents and Who They Represent:

Jean Sandefer, Co-owner/Manager, Glacier Gateway Motel

Proponent Testimony:

Jean Sandefer spoke in support of the bill. (Exhibit 2).

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Raney asked about the statement on the fiscal note which says expenses in excess of \$250.00 would be reimbursed. Dave Bohyer responded that there is no tax credit until \$10.00 in accommodations tax liability has been acquired and the patient would have to spend \$250.00 for accommodations to reach this requirement.

Closing by Sponsor: Rep. Connelly stated the bill was important but there may be some need for clarification of language. She asked that the committee consider the bill seriously.

DISPOSITION OF HOUSE BILL 560

Motion: None.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: None. HB 560 will be considered at a later date.

DISPOSITION OF HOUSE BILL 566 HEARD ON FEBRUARY 16:

MOTION: DO PASS by Rep. Giacometto.

DISCUSSION: Rep. Rehberg asked if he owned a building, could he lease it to a nonprofit economic group who, in turn, would use this for the incubator. Chairman Harrington replied the governing body of the community would decide in this situation.

Rep. Hoffman stated the language on page 1, line 13, needs clarification since it states "a facility leases." The committee concurred that it should read "a facility in which space is leased." Rep. Hoffman moved the amendment to this effect. The committee PASSED the amendment by unanimous voice vote.

The motion DO PASS AS AMENDED was PASSED by unanimous voice vote of the committee.

DISPOSITION OF HOUSE BILL 567:

MOTION: DO PASS by Rep. Patterson.

DISCUSSION: Rep. Ream proposed an amendment on page 2, line 22, to strike "with self-governing powers." Rep. Ream moved the amendment. Rep. Patterson changed his motion to DO PASS AS AMENDED.

ACTION: The amendment PASSED by unanimous voice vote.

DISCUSSION: Rep. Ream proposed another amendment for page 3, line 1, to insert "and must reach 100% after five years."

ACTION: Rep. Ream moved the amendment. The amendment PASSED by unanimous voice vote. Rep. Raney moved another amendment to insert in subsection 4, "the modifications adopted by local government apply uniformly to each remodeling/reconstruction expansion project approved by the governing body." The amendment was PASSED by a unanimous voice vote. The motion to DO PASS AS AMENDED on the bill was CARRIED by a unanimous voice vote.

DISPOSITION OF HOUSE BILL 415 HEARD ON FEBRUARY 7:

MOTION: DO PASS by Rep. Patterson.

DISCUSSION: Rep. Patterson proposed an amendment ensuring that all the tools in classes 7 and 8 would be exempted. Rep. Patterson moved the amendments.

Rep. O'Keefe asked Dave Bohyer if all hand held tools such as large, expensive drills or jackhammers would still be exempt under this bill since they are hand held. Mr. Bohyer replied that was his understanding. Rep. Patterson stated that tools with electric motors were not included. He said these were tools to repair equipment. Dave Bohyer stated the DOR would have to make rules regarding this equipment since there are small hand

held tools that are electrical.

Rep. Gilbert stated the committee must be careful with this area since if policy is to be set for exempting hand held tools, it should not matter who owns the tools.

Rep. Patterson stated it was not the intent to include large expensive motorized machines but the DOR can make the rules in this respect.

The amendments PASSED by a 16 to 1 voice vote. Rep. Elliott voted no.

Rep. Patterson moved DO PASS AS AMENDED on the bill.

DISCUSSION: Rep. Raney still questioned the matter of the large, expensive tools that are hand held. Rep. Gilbert suggested perhaps the horsepower rating could be considered. Rep. Elliott suggested this be restricted to self-powered or non-powered tools. Rep. Gilbert objected stating this is considered a nuisance tax. He said there will be rule making hearings and this would be the place to bring up these ideas or concerns and then let the DOR make the rules.

The motion DO PASS AS AMENDED was CARRIED by a 16 to 1 vote with Rep. Elliott voting no.

DISPOSITION OF HOUSE BILL 560 HEARD ON FEBRUARY 16:

DISCUSSION: Chairman Harrington stated this was a serious problem and needed serious consideration. Rep. Raney stated this would be an income tax credit that would be reimbursed out of the general fund unless the committee can find another way of doing this. He stated the tax will have to be forgiven at the time of payment and that there should not be a level since someone who goes to a medical center for just one night, should receive the exemption the same as someone who must stay a week or longer. Rep. Giacometto stated he agreed this was an important issue that needed attention but he was concerned about setting a precedent in this area of income tax exemption. Rep. Gilbert stated this would not be cost effective unless the exemption can be made at the point of payment. Otherwise, he said, this will be much too expensive to administer. Rep. Hoffman stated some people will have insurance policies to cover this type of expense; other people who have very low income will not have tax liability so he saw no need for the bill. Rep. Gilbert stated the bill, on page 3, lines 4 to 7, exempts the family of the patient as well as the patient. He objected to this.

The committee agreed to PASS CONSIDERATION on the bill so work could be done to correct the problems.

ADJOURNMENT

Adjournment At: 10:25 a.m.



REP. DAN HARRINGTON, Chairman

DH/lj

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DAILY ROLL CALL

TAXATION

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date February 16, 1989

NAME	PRESENT	ABSENT	EXCUSED
Harrington, Dan, Chairman	✓		
Ream, Bob, Vice Chairman	✓		
Cohen, Ben			✓
Driscoll, Jerry	✓		
Elliott, Jim	✓		
Koehnke, Francis	✓		
O'Keefe, Mark	✓		
Raney, Bob	✓		
Schye, Ted	✓		
Stang, Barry	✓		
Ellison, Orval	✓		
Giacometto, Leo	✓		
Gilbert, Bob	✓		
Good, Susan	✓		
Hanson, Marian	✓		
Hoffman, Robert	✓		
Patterson, John	✓		
Rehberg, Dennis	✓		

16

12:22 pm
2/28/89
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STANDING COMMITTEE REPORT

February 27, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that HOUSE
BILL 590 (first reading copy -- white) do pass.

Signed: [Signature]
Dan Harrington, Chairman

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STANDING COMMITTEE REPORT

February 27, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that HOUSE BILL 566 (first reading copy -- white) do pass as amended .

Signed: *Dan Harrington*
Dan Harrington, Chairman

And, that such amendments read:

1. Page 1, line 13.
Following: "facility"
Strike: "that leases"
Insert: "in which"

2. Page 1, line 14.
Following: "space"
Insert: "is leased"

STANDING COMMITTEE REPORT

February 27, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that HOUSE BILL 567 (first reading copy -- white) do pass as amended.

Signed: 
Dan Harrington, Chairman

And, that such amendments read:

1. Title, line 5.

Strike: "WITH SELF-GOVERNING POWERS"

2. Page 2, line 22.

Strike: "with self-governing powers"

3. Page 2, line 24.

Following: "(1)"

Insert: "that apply to the first year following construction through the fourth year following construction. A local government may not modify the percentages contained in subsection (1) that apply to the fifth year following construction or years following the fifth year."

4. Page 2, line 25.

Strike: "with self-governing powers"

5. Page 3, line 1.

Following: "(1)."

Insert: "The modifications to the percentages in subsection (1) adopted by a local government apply uniformly to each remodeling, reconstruction, or expansion project approved by the governing body."

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STANDING COMMITTEE REPORT

February 27, 1989

Page 1 of 2

Mr. Speaker: We, the committee on Taxation report that HOUSE BILL 415 (first reading copy -- white) do pass as amended .

Signed: 
Dan Harrington, Chairman

And, that such amendments read:

1. Title, line 4.

Strike: "CERTAIN"

2. Title, line 6.

Following: "15-6-137"

Insert: ", 15-6-138,"

3. Page 2, line 3.

Following: "any"

Strike: "tool"

Insert: "tools"

Following: "that"

Strike: "is"

Insert: "are"

Following: "hand-held"

Strike: "; and"

Insert: ","

4. Page 2, line 4.

Strike: "(e)"

Following: "implements,"

Insert: ","

5. Page 2.

Following: line 12

Insert: " Section 2. Section 15-6-138, MCA, is amended to read:

15-6-138. Class eight property -- description -- taxable percentage. (1) Class eight property includes:

(a) all agricultural implements and equipment;

(b) all mining machinery, fixtures, equipment, tools

that are not hand-held, and supplies except:

(1) those included in class five; and

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10:32 pm
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February 27, 1989

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- (ii) coal and ore haulers;
 - (c) all manufacturing machinery, fixtures, equipment, tools that are not hand-held, and supplies except those included in class five;
 - (d) all trailers, including those prorated under 15-24-102, except those subject to taxation under 61-3-504(2);
 - (e) all goods and equipment intended for rent or lease, except goods and equipment specifically included and taxed in another class;
 - (f) trucks having a rated capacity of more than 1 tons, including those prorated under 15-24-102; and
 - (g) all other machinery except that specifically included in another class.
- (2) Class eight property is taxed at 11% of its market value."

Renumber: subsequent sections

Cross-References

Agriculture — itinerant merchant — license nontransferable, 80-3-707.

7-21-2505. Application for huckster license. (1) Every huckster desiring to do business in any county of this state must, before commencing such business, file with the county treasurer of such county, on a form to be provided by such treasurer, an application in writing.

(2) The application shall set forth:

- (a) name of applicant;
- (b) his place of permanent residence;
- (c) whether acting as principal, agent, or employee;
- (d) if acting as agent or employee, the name and place of business of his principal or employer.

(3) At the time of filing the application, such huckster must accompany the application with the sum specified in 7-21-2503 as a license fee.

History: En. Sec. 3, Ch. 183, L. 1925; re-en. Sec. 2429.11, R.C.M. 1935; R.C.M. 1947, 84-2903.

Cross-References

Office of County Treasurer, 7-4-3002.

Agriculture — itinerant merchants — application for license, 80-3-704.

7-21-2506. Processing of application — issuance of license. (1) Upon filing of the application specified in 7-21-2505 and upon the payment to the county treasurer of the sum specified in 7-21-2503, the county treasurer shall issue and deliver to the applicant a license to carry on the business of a huckster for a period of 6 months from the date of such license.

(2) The county treasurer shall endorse upon each application the date of issuance of the license and shall immediately file such application with the county clerk and recorder of his county. The county clerk and recorder shall file the same in his office and keep an appropriate index thereof which shall show the date filed, the name of the applicant, and an appropriate reference to the file number by which said application may be found.

History: En. Sec. 4, Ch. 183, L. 1925; re-en. Sec. 2429.12, R.C.M. 1935; R.C.M. 1947, 84-2904(part).

Cross-References

Role and duties of County Clerk, 7-4-2611.

Office of County Treasurer, 7-4-3002.

Agriculture — itinerant merchants — license issuance, 80-3-706.

7-21-2507. License to be displayed upon demand. (1) Every such huckster doing business under the provisions of this part must, upon demand of any interested person, exhibit his license and permit the same to then and there be read by the person making such demand.

(2) Any such huckster who shall refuse or fail to exhibit his license as provided above is guilty of a misdemeanor and shall be fined not less than \$10 or more than \$25.

History: En. Sec. 5, Ch. 183, L. 1925; re-en. Sec. 2429.13, R.C.M. 1935; R.C.M. 1947, 84-2905.

Cross-References

Classification of offenses, 45-1-201.

Misdemeanor defined, 45-2-101.

Agriculture — itinerant merchant — display of license, 80-3-706.

7-21-2508.

Effect of failure to comply with licensing requirements. Every huckster, as herein defined, doing business without first obtaining a license as required by this part is guilty of a misdemeanor and shall be punished accordingly, as provided in 46-18-212.

History: En. Sec. 6, Ch. 183, L. 1925; re-en. Sec. 2429.14, R.C.M. 1935; R.C.M. 1947, 84-2906.

Cross-References

Classification of offenses, 45-1-201.

Misdemeanor defined, 45-2-101.

Agriculture — itinerant merchants — penalty, 80-3-713.

Part 26**Licensing of Public Dances
and Dancehalls****Part Cross-References**

Municipal regulation of dance houses,

7-21-4210.

7-21-2601. Definitions. (1) The term "dancehall" shall be construed to mean any room, hall, pavilion, building, or other structure kept for the purpose of conducting therein public dances or dancing.

(2) As used in this part, the term "public dance" shall be construed to mean any dance to which the public generally may gain admission, with or without the payment of an admission fee and whether said admission fee is paid in the form of club dues, membership fees, or in any other manner.

History: En. Sec. 1, Ch. 131, L. 1929; re-en. Sec. 2815.1, R.C.M. 1935; R.C.M. 1947, 16-1166.

7-21-2602. License required to hold public dance or maintain dancehall. (1) No person, partnership, or corporation shall hold any public dance or conduct or maintain any dancehall without the limits of incorporated cities or towns without having first procured from the board of county commissioners of the county in which it is proposed to conduct such dance or dancehall a license to do so.

(2) No license shall be granted to any corporation, but if any dancehall be conducted by a corporation the license shall issue to the manager or other directing head thereof.

(3) No license to conduct a public dance or dancehall shall be granted unless the applicant therefor be of good moral character.

History: En. Sec. 2, Ch. 131, L. 1929; re-en. Sec. 2815.2, R.C.M. 1935; R.C.M. 1947, 16-1167(part).

Cross-References

County Commissioners — supervision of

county and other officers, 7-4-2110.

General authority of County Commissioners, 7-5-2101.

Business corporations, Title 35, ch. 1.

7-21-2603. Exemption from licensing requirements. (1) Single dances held by grange, patriotic, or fraternal organizations or strictly community dances may be held without a permit.

(2) The county commissioners may issue a permit without charge for grange, patriotic, fraternal, or community dances.

History: En. Sec. 3, Ch. 131, L. 1929; re-en. Sec. 2815.3, R.C.M. 1935; R.C.M. 1947, 16-1168(part).

7-21-2604. License fees. (1) The board of county commissioners of each county shall by a general order, from time to time, fix the fees to be charged for licenses granted under this part.

(2) Such fees, however, may not be less than \$5 or more than \$25 for an annual dancehall license and may not be less than \$1 or more than \$5 for a license for a single dance.

History: En. Sec. 3, Ch. 131, L. 1929; re-en. Sec. 2815.3, R.C.M. 1935; R.C.M. 1947, 16-1168(part).

Cross-References

General authority of County Commissioners, 7-5-2101.

7-21-2605. Application for license. Applications for licenses under this part shall be filed with the clerk of the board of county commissioners and be accompanied with a receipt showing the payment to the county treasurer of a license fee.

History: En. Sec. 6, Ch. 131, L. 1929; re-en. Sec. 2815.6, R.C.M. 1935; R.C.M. 1947, 16-1171(part).

Cross-References

Office of County Treasurer, 7-4-3002.

Employment of personnel by County Commissioners, 7-5-2107.

7-21-2606. Issuance of license. (1) After determining to grant a license to the applicant, the board of county commissioners shall notify the clerk and recorder.

(2) The clerk and recorder shall issue the license to the applicant.

History: En. Sec. 6, Ch. 131, L. 1929; re-en. Sec. 2815.6, R.C.M. 1935; R.C.M. 1947, 16-1171(part).

Cross-References

Role and duties of County Clerk, 7-4-2611.

7-21-2607. Basis for refusal to grant dancehall license. The board of county commissioners may in its discretion refuse to grant licenses for dance halls to be located at such places or to be conducted at such times as will in their judgment interfere with the comfort and happiness of the community in which such proposed dancehall is to be located.

History: En. Sec. 5, Ch. 131, L. 1929; re-en. Sec. 2815.5, R.C.M. 1935; R.C.M. 1947, 16-1170(part).

Cross-References

General authority of County Commissioners, 7-5-2101.

7-21-2608. Revocation of dancehall license. The license of any public dancehall may be forfeited or revoked by the county commissioners for disorderly or immoral conduct on the premises.

History: En. Sec. 7, Ch. 131, L. 1929; re-en. Sec. 2815.7, R.C.M. 1935; R.C.M. 1947, 16-1172.

Cross-References

General authority of County Commissioners, 7-5-2101.

Disorderly conduct, 45-8-101.

7-21-2609. Term of license. (1) Licenses for dancehalls shall be issued by the year or by the quarter, as requested by the applicant.

(2) A temporary license of a period not exceeding 30 days may be issued by the clerk and recorder of the county in which such dance is to be held.

(3) A license for a single public dance shall entitle the holder thereof to conduct such dance only on the day and at the place specified in the license.

History: En. Sec. 2, Ch. 131, L. 1929; re-en. Sec. 2815.2, R.C.M. 1935; R.C.M. 1947, 16-1167(part).

Cross-References

Role and duties of County Clerk, 7-4-2611.

EXHIBIT 1

DATE 2/16/89

7-21-2610. Display of license required. ~~AB licenses granted under this part shall be kept posted in a conspicuous place on the licensed premises.~~
History: En. Sec. 6, Ch. 131, L. 1929; re-en. Sec. 2815.6, R.C.M. 1935; R.C.M. 1947, 16-1171(part).

7-21-2611. Restrictions on type of dancing. No immoral, indecent, suggestive, or obscene dance shall be given or carried on in any dancehall or any dance licensed hereunder.

History: En. Sec. 4, Ch. 131, L. 1929; re-en. Sec. 2815.4, R.C.M. 1935; R.C.M. 1947, 16-1169(part).

Cross-References

Indecent exposure, 45-5-504.

Obscenity, 45-8-201.

7-21-2612. Adequate lighting of dancehalls. All buildings, halls, rooms, pavilions, or other places in which public dances are carried on, as well as all halls, corridors, and rooms leading thereto or connected therewith, shall at all times while open to the public be well lighted.

History: En. Sec. 4, Ch. 131, L. 1929; re-en. Sec. 2815.4, R.C.M. 1935; R.C.M. 1947, 16-1169(part).

Cross-References

Adoption of building, electrical, and plumbing codes, 7-15-4121.

7-21-2613. Rules for implementation of part. The board of county commissioners shall have authority to make all proper and necessary administrative rules for the purpose of carrying into effect the provisions of this part with respect to the conduct of public dances.

History: En. Sec. 5, Ch. 131, L. 1929; re-en. Sec. 2815.5, R.C.M. 1935; R.C.M. 1947, 16-1170(part).

Cross-References

Montana Administrative Procedure Act not enforceable to local governments, 2-4-102.

County Commissioners — promulgation and enforcement of rules, 7-5-2102.

7-21-2614. Enforcement of part. (1) The enforcement of the provisions of this part is enjoined upon every officer and official whose duty it is to enforce the laws of the state.

(2) All peace officers of Montana shall have free access to public dances and dancehalls for the purpose of inspection and to enforce compliance with the provisions of this part.

History: (1) En. Sec. 8, Ch. 131, L. 1929; re-en. Sec. 2815.8, R.C.M. 1935; Sec. 16-1173, R.C.M. 1947; (2) En. Sec. 5, Ch. 131, L. 1929; re-en. Sec. 2815.5, R.C.M. 1935; Sec. 16-1170, R.C.M. 1947; R.C.M. 1947, 16-1170(part), 16-1173.

Cross-References

Local law enforcement, Title 7, ch. 32.

State law enforcement, Title 44.

7-21-2615. Effect of failure to comply with part. Any person violating any of the provisions of this part shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding \$100 or by imprisonment for a term not exceeding 30 days or by both such fine and imprisonment.

History: En. Sec. 9, Ch. 131, L. 1929; re-en. Sec. 2815.9, R.C.M. 1935; R.C.M. 1947, 16-1174.

Cross-References

Classification of offenses, 45-1-201.

Misdemeanor defined, 45-2-101.

Parts 27 through 30 reserved

Part 31

Public Scales

Part Cross-References

Weights, measures, standards, and labeling, Title 30, ch. 12.

7-21-3101. Establishment of public scales. When petitioned by 25 or more residents and freeholders of the county, the board of county commissioners of any county is hereby authorized in its discretion to establish and locate public scales at any suitable location selected by the county commissioners within the county.

History: En. Sec. 1, Ch. 22, L. 1905; re-en. Sec. 2899, Rev. C. 1907; re-en. Sec. 4471, R.C.M. 1921; re-en. Sec. 4471, R.C.M. 1935; R.C.M. 1947, 16-1108.

Cross-References

General authority of County Commissioners,

7-5-2101.

Licensing of weighing devices, 30-12-201.

7-21-3102. Ownership of public scales. Such scales shall be purchased by the county, shall be the property of the county, and at all times shall be under its control and subject to the will of the county commissioners.

History: En. Sec. 2, Ch. 22, L. 1905; re-en. Sec. 2900, Rev. C. 1907; re-en. Sec. 4472, R.C.M. 1921; re-en. Sec. 4472, R.C.M. 1935; R.C.M. 1947, 16-1109(part).

Cross-References

General authority of County Commissioners,

7-5-2101.

Authorization for county to obtain property, 7-8-2201.

7-21-3103. Capacity and design of public scales. Such scales shall be of not less than 5 tons' weighing capacity and shall be provided with glass or open front which can be observed by the one weighing without dismounting from wagon.

History: En. Sec. 2, Ch. 22, L. 1905; re-en. Sec. 2900, Rev. C. 1907; re-en. Sec. 4472, R.C.M. 1921; re-en. Sec. 4472, R.C.M. 1935; R.C.M. 1947, 16-1109(part).

7-21-3104. Appointment of public weigher. (1) The board of county commissioners shall appoint, at each place where public scales are established by them, a public weigher who shall have the custody and care of such property.

(2) Such public weigher shall be governed by the board at any time to time prescribed or adopted by the board, and he may be removed at any time by such board.

History: (1) En. Sec. 3, Ch. 22, L. 1905; re-en. Sec. 2900, Rev. C. 1907; re-en. Sec. 4473, R.C.M. 1921; re-en. Sec. 4473, R.C.M. 1935; Sec. 16-1110, R.C.M. 1947, 16-1110(part); (2) En. Sec. 4, Ch. 22, L. 1905; re-en. Sec. 2903, Rev. C. 1907; re-en. Sec. 4475, R.C.M. 1921; re-en. Sec. 4475, R.C.M. 1935; Sec. 16-1112, R.C.M. 1947; R.C.M. 1947, 16-1110(part); R.C.M. 1947, 16-1112(part).

Cross-References

General authority of County Commissioners,

7-5-2101.

County Commissioners — promulgation and enforcement of rules, 7-5-2102.

Employment of personnel by County Commissioners, 7-5-2107.

7-21-3105. Bond of public weigher. A public weigher appointed pursuant to 7-21-3104 shall give a bond to the county in the sum of \$500, conditioned for the safekeeping of the public scales and for the faithful and impartial discharge of the duties incident to his trust in office.

History: En. Sec. 3, Ch. 22, L. 1905; re-en. Sec. 2901, Rev. C. 1907; re-en. Sec. 4473, R.C.M. 1921; re-en. Sec. 4473, R.C.M. 1935; R.C.M. 1947, 16-1110(part).

Cross-References

Official bonds of county officers, 7-4-2212.

7-21-3106. Record of weighing. (1) It shall be the duty of each public weigher to keep a stub record of all weighing done by him. The record and the receipt issued by such public weigher shall show for whom property was weighed and the character and kind thereof and shall constitute prima facie evidence of the facts therein contained.

(2) All such stub records or other records which the county commissioners may require him to keep shall at all times be open to public inspection during business hours, between 7 a.m. and 6 p.m. of any day, except Sundays and legal holidays.

(3) Such public weigher shall file a sworn statement with the county recorder of the county, as prescribed by the county commissioners thereof. The statement shall show the date and character or kind of property weighed, for whom weighed, and a complete statement of all fees collected.

History: En. Sec. 4, Ch. 22, L. 1905; re-en. Sec. 2902, Rev. C. 1907; re-en. Sec. 4474, R.C.M. 1921; re-en. Sec. 4474, R.C.M. 1935; R.C.M. 1947, 16-1111.

Cross-References

Right to know, Art. II, sec. 9, Mont. Const.

Citizens entitled to inspect and copy public writings, 2-6-102.

7-21-3107. Fee for weighing. Such public weigher shall receive not to exceed 10 cents for each receipt issued by him.

History: En. Sec. 5, Ch. 22, L. 1905; re-en. Sec. 2903, Rev. C. 1907; re-en. Sec. 4475, R.C.M. 1921; re-en. Sec. 4475, R.C.M. 1935; R.C.M. 1947, 16-1112(part).

7-21-3108. Misconduct by public weigher. Any public weigher under the provisions of this part who shall make any false or fraudulent receipt of any weighing done by him or shall be guilty of any collusion with any other person or persons for the purpose of deceiving any person or persons in regard to the correctness of weights or who shall fail to comply with the requirements of 7-21-3104(2) or 7-21-3107 is guilty of a misdemeanor.

History: En. Sec. 6, Ch. 22, L. 1905; re-en. Sec. 2904, Rev. C. 1907; re-en. Sec. 4476, R.C.M. 1921; re-en. Sec. 4476, R.C.M. 1935; R.C.M. 1947, 16-1113.

Montana House of Representatives

Capitol Building, Room #437

Helena, Montana 59620

Feb. 16, 1989

EXHIBIT

2

DATE

2/16/89

HB

560

Rep. M. Connolly

Re: House Bill 560

Requesting a medical exemption from the Accomodation Tax when persons require lodging to receive medical care and treatment away from home.

Dear Ladies and Gentleman;

Being a motel owner and Montana resident, I really wasn't concerned about the Accomodation Tax. However, I am now aware of what this tax is doing to th special class of people who are guests at our motel.

These are the people who are in town for medical reasons. They are here as out-patients - some overnight, while others are here for cancer treatment that extends over a period of several weeks.

Many are elderly, but most are weary and worried about their health and how the bills will be paid. Some are on fixed incomes, and others see their savings dwindling very fast! No insurance will pay for their lodging! They are going thru the most traumatic time of their lives. Must we burden them financially with this tax? Can't we at least give them a medical exemption?

I didn't realize that the tax on a \$20.00 room is the equivalent of a loaf of bread. I can not believe that this bill was meant to be hard-ship on these special people. They surely are not away from home to enjoy our scenic beauty!

This medical exemption will be easy to verify. Any medical facility can give a small statement on a prescription pad or medical pad. Also receipts for services can be used.

I ask only that the amount of time spent to draw up this tax, is also spent considering the long-range effect this tax has on these special people!

PLEASE ALLOW THIS EXEMPTION!

Respectfully,

Jean Sandefer
Jean Sandefer

co-owner/manager

Glacier Gateway Motel

264 North Main St. Kalispell, Mt. 59901

(406)755-3330

VISITORS' REGISTER

HOUSE TAXATION

COMMITTEE

BILL NO. HB 567DATE February 16, 1989SPONSOR Rep. Dan Harrington

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
EVAN BARRETT	BOITE	✓	
Don Peoples	Battle	✓	
Kay Foster	Billings	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE TAXATIONCOMMITTEEBILL NO. HB 560DATE February 16, 1989SPONSOR Rep. Mary Ellen Connolly

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Jean Sandoz	264 N. Main St Kalispell	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE TAXATION

COMMITTEE

BILL NO. HB 566DATE February 16, 1989SPONSOR Rep. Dan Harrington

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Shelly Laine	City of Helena	✓	
EVAN BARRETT	BUTTE	✓	
Jim Kambich	Butte	✓	
Don Paylor	Butte	✓	
Kay Foster	Billings	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.