

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Chairman Harrington, on March 7, 1989, at 8:00 a.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Dave Bohyer, Legislative Council

Announcements/Discussion: None.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL 589 HEARD ON FEBRUARY 17, 1989:

MOTION: Amendments recommended and moved by Rep. Hoffman.

DISCUSSION: Rep. Hoffman stated the greatest concern with the bill was the size of the cities and towns involved. He said this bill is for resort areas only but most cities and towns in the state have some income derived from tourism, therefore, the amendment is to limit the population of a resort area to 4,500 people.

Rep. Ream asked why 4,500 people. Rep. Hoffman replied that over 5,000 would involve large cities that are not truly resort areas.

Rep. Patterson stated he supports the amendment. He stated that larger cities have other segments to their economy than tourism. The towns that are truly resort areas have around 4,500 population.

Rep. Cohen stated he supported the amendment since many smaller communities cannot qualify for federal programs and other assistance because of the 5,000 population barrier.

Rep. Rehberg stated he supported the concept of the bill but he had problems with the amendment. He said this is an expansion of the resort tax which was intended for West Yellowstone only. He objected to a resort area having a local option tax and not other communities.

Rep. Ream stated he did not like the arbitrary number of 4,500 and suggested waiting until the committee hears HB 479 which is a

similar bill.

Rep. Gilbert stated the committee should consider the fact that this bill was proposed for unincorporated areas and he did not know if HB 479 included these areas.

Rep. Hoffman stated the true purpose of the bill is to give resort areas a chance to fund their infrastructure since they must support many more people during the tourist season. He said there was a question as to how many areas would actually pass a petition.

The amendment failed by a 9 to 7 voice vote.

Rep. O'Keefe moved his proposed amendments. He stated his amendments dedicated 15% of all revenue derived from the resort area tax to the state to be deposited in the general fund. His reason for this was to defer some of the costs to the state for services. He said he thought this would make the bill more palatable to those who do not benefit from this kind of local option tax.

Rep. Hoffman opposed the amendment because the purpose of the bill was to allow resort communities to meet their own financial responsibilities and not to support the general fund.

Rep. Raney opposed the amendment since he felt this would be raising money through a sales tax for the state. He said he would support local option taxes as long as the community involved receives the money and is administering it.

Rep. Cohen moved to segregate number six of the amendments.

Amendments one through four were voted on and passed unanimously by the committee.

Rep. Rehberg suggested looking at page 8, subsection B, which allows the resort area to establish the taxing jurisdiction for themselves. He said five percent of the tax must go toward property tax relief and eventually, there could be a zero property tax. He stated he was not in favor of this but the amendment would offset this.

Rep. Cohen stated the bill would not provide property tax relief for school districts, only on local property tax. He said he did not think any community would get to the zero property tax level.

Rep. Hoffman stated the committee should remember all of the revenue is, in a sense, property tax relief because this will supply funds for services that are presently funded through property taxes. He said the petition in the community has to outline what the funds are to cover and this would be controlled carefully by the community. He said he doubted there would be much surplus for property tax relief.

Rep. Rehberg stated the language in the bill states the county commissioners have nothing to do with the resort area and the resort tax is set so any surplus goes to property tax relief.

Rep. Gilbert stated the unincorporated areas have no tax jurisdiction and with this bill, they could be using money to do what they feel is needed within their own communities.

Rep. O'Keefe agreed with Rep. Rehberg. He said with this authority, some money should come to the state or the state's services should be discontinued to these communities.

Rep. Ellison stated that if this tax is abused, the legislature can repeal this in the next session but he thought it should have a chance.

Amendments five and six failed to pass by a 12 to 6 roll call vote.

Rep. Cohen proposed amendments to the bill which would allow the city councils or commissioners to specify exactly what they want to include in their petition so the people would be better informed.

Rep. Ellison opposed the amendments since he said they changed the entire purpose of the resort tax.

Rep. Gilbert proposed striking subsection 5 and retaining the rest of the bill. He said this would accomplish the original purpose.

Rep. Cohen agreed and withdrew his amendments.

Rep. Patterson made the motion to strike page 4, lines 5, 6 and 7 in their entirety.

The motion carried by a 10 to 6 voice vote.

Rep. Cohen expressed concern with the inclusion of fast food stores and restaurants in the bill. He stated these stores cater extensively to local people.

Rep. Schye stated his definition of fast food stores would be McDonalds, Arbys and the like and not small grocery stores or mini-marts.

Rep. Cohen stated then he had no problem with that.

Rep. Driscoll proposed striking line 23 on page 3, camping facilities.

Rep. Stang disagreed. He stated that motor homes are charged lodging taxes.

Rep. Elliott said he dislikes the bill because Big Sky was

developed to attract tourists and now they say they can't afford the tourists because of the infrastructure pressures. He said they are not willing to incorporate to get tax authority or to tax themselves, but they are willing to tax the tourists.

Rep. Gilbert stated the people in Big Sky who need the help are not tourists but Montana citizens nor are they part of the resort area. They pay for the services and contribute their share.

Rep. Elliott asked how long the tax is to continue.

Rep. Hoffman replied this depends on the petition as the time and the rate of the tax are determined in this. He stated he agreed with Rep. Elliott's basic idea but there was a real need in the resort communities for this assistance.

Rep. Elliott replied if this is the case, why can't Big Sky incorporate, pass a local option tax and benefit from that, why a special law.

Rep. Cohen replied that Big Sky is not owned by one corporation but by many different people and therefore it would be quite difficult to tax themselves.

Rep. Stang opposed the bill on the grounds of the population limit.

Rep. Rehberg asked what happens if the sales tax bill passes, would there then be a 7% sales tax in Big Sky.

Rep. Hoffman answered yes.

The bill PASSED AS AMENDED on a 10 to 8 roll call vote.

DISPOSITION OF HOUSE BILL 479 HEARD ON FEBRUARY 10:

MOTION: Rep. Stang made the motion to amend.

DISCUSSION: Rep. Stang stated this amendment would prevent the local option tax from being imposed on unincorporated areas without the vote of the people. He stated this gives the citizens of those areas the right to vote the same as those within the city. He said the local option tax must be passed in both the incorporated and unincorporated areas rather than only the city voting and then imposing the tax on the unincorporated areas.

Rep. Cohen stated he was against the amendment because there are people living outside but working in the city who use the services, therefore they should pay the tax also.

The motion to amend was PASSED by a 12 to 6 voice vote.

Rep. Elliott made the motion to DO PASS AS AMENDED.

Amendments were submitted that were requested by Rep. Kelly Addy. (Exhibit 1).

Dave Bohyer explained that the amendments allowed only two taxes, either sales or income and the sales tax would be a maximum of 2% unless the statewide sales tax is passed, then the tax would be 1%. He stated if an income tax is passed as a local option, it could not exceed 10% of the taxpayers liability. He said the tax is also imposed only on the residents of the taxing jurisdiction.

Rep. Gilbert made the motion to segregate the income tax portion of the amendments.

Rep. Ream opposed the segregation because the situation in each local community must be considered and this would limit their options. He suggested inserting the excise tax as another option.

The amendment failed on an 11 to 7 roll call vote.

Rep. O'Keefe presented some amendments. (Exhibit 2).

Rep. Giacometto made the motion to TABLE. The motion carried by a 10 to 8 voice vote.

HEARING ON SENATE BILL 287

Presentation and Opening Statement by Sponsor: Senator J. D.

Lynch, Senate District 34, stated two years ago the Vo-Tech Schools administration was transferred from the school districts to the state. He said that in July 1989, all of the Vo-Tech employees will become state employees. He stated SB 287 will replace the voted levies that are no longer available from the school districts with a 2 mill statewide levy. Senator Lynch said the bill also includes the community college vo-tech students. He stated the aim and scope of vo-tech is to put people to work and this certainly applies to economic development.

Testifying Proponents and Who They Represent:

Carol Krause, Commissioner of Education
Terry Minnow, Montana Federation of Teachers
Alex Cappaville, Vo-Tech Center Director, Helena
Willard Weaver, Great Falls Vo-Tech Center
Eric Fever, Montana Education Association
Ron De Yong, Montana Farmer's Union
Jud Flower, President, Mills Community College
Dennis Lauren, Missoula Vo-Tech Center
Chris Gallus, Butte Silver Bow
Jim Fitzpatrick, Executive Director, State Council of
Vocational Education
Harry Freeborn, Director, Butte Vo-Tech Center
Iner Rosten, Montana Vocational Association
Rep. Ben Cohen, Whitefish, House District 3

Grady E. Vardan, Deputy Commissioner, Vocational Training
for Montana Education System

Proponent Testimony:

Carol Krause submitted a handout to the committee on the mill levy projections. (Exhibit 3). Mr. Krause stated the two mill levy was for post secondary vocational education. He said there is a need for funding the vo-tech schools and also the vo-tech students at community colleges. Mr. Krause stated the education community supports the bill and a vote of the people is not required for this is a direct enactment of the legislature.

Terry Minnow stated the bill is essential for funding of the vo-tech centers and community college vo-tech programs. She said SB 287 will help ease the transition of the vo-tech employees to state employment by funding some of the costs of that change. She urged a do pass on the bill.

Alex Cappaville stated the vo-tech centers have been in business since 1937. He said HB 287 was essential to the continued operation of the centers. Mr. Cappaville stated two-thirds of the enrollment at the Helena Vo-Tech Center was from outside of Lewis and Clark County. He said this bill is the first step in working toward a uniform system for the vo-tech centers. He urged passage of the bill.

Will Weaver spoke in support of the bill. (Exhibit 4).

Eric Fever urged the committee to strongly consider SB 287. He said this is a statewide schooling function and it should be funded in a statewide fashion with the 2 mill levy. He urged passage of the bill.

Ron De Yong stated the vo-tech centers and the community colleges have been very good for the state and he urged passage of the bill to continue their funding.

Jud Flower submitted a document to the committee concerning Miles Community College enrollment. (Exhibit 5). Mr. Flower stated the college has students from thirty-six counties. He said the local taxpayers are carrying most of the tax burden for the out of state students. Mr. Flower stated it was a matter of fairness that the community colleges be involved in the 2 mill levy application since they had been involved in vo-tech training for many years. He urged passage of SB 287.

Dennis Laren stated the Missoula Vo-Tech Center is relying on the \$700,000.00 voted levy and the loss of this revenue would be devastating to the center. He said the center serves students from every county in the state and he urged passage of the bill.

Chris Gallus stated the vo-tech centers were of great assistance to Butte in retraining workers after the mines closed. He said the innovation award received by the City of Butte in 1983, would not have been possible without the vo-tech centers. He urged support of the bill.

Jim Fitzpatrick stated the council supported an equitable and stable funding system for all levels of the educational system. He said this is a necessity because of the loss of the voted levy. Mr. Fitzpatrick stated the vo-tech centers have a vital role in training citizens and to economic development in the state. He urged support of the bill.

Harry Freeborn agreed with the previous proponents and urged passage of the bill.

Irna Rosten urged support of the bill.

Rep. Ben Cohen stated the Flathead Valley Community College in his area was very supportive of the community and to the needs of industry in training workers. He said they have also developed extension programs for the Libby area. He urged support of the bill.

Grady Vardan stated her office is responsible for the transition of the vo-tech centers and their employees to the state administration. She said the vo-tech centers, the university system, and the community colleges were all working together to provide a cohesive, coordinated system of education, to share resources and to move forward. She urged support of the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Raney stated to Senator Lynch that the bill raises 3.8 million in FY 90. He asked how much new revenue is being raised to be distributed to all the schools. Carol Krause answered stating the 3.8 is the new money but the intent is that the local voted levy would be replaced which would be 1.8 million. He said there is approximately 2 million over and above the replacement levy. Rep. Raney then asked if there was any possibility the money would provide for an increase in salary for staff and teachers at the schools. Mr. Krause replied they would have to work that out with the Appropriations Committee.

Rep. Ream asked if 2% of the funds will go to Northern Montana College. Mr. Krause stated it would and that Northern Montana College has a vo-tech center partly funded

by Carl Perkins federal money. He stated the money serves vo-tech only and not the college.

Rep. Ream asked Senator Lynch if this bill would go to appropriations after the Taxation Committee. Sen. Lynch replied it would not since this is a tax mechanism and then the appropriations will distribute the funds.

Chairman Harrington stated this is a tax bill and will go to the floor as a tax bill. He said it will not go to appropriations.

Rep. Ellison asked Senator Lynch why two million was being put on the property tax instead of the general fund. He stated he thought the intent was to lower property taxes in this session. Sen. Lynch replied he did not think the general fund could fund this. He said it was necessary to have a permanent fund for the vo-tech centers.

Chairman Harrington referred Senator Lynch to page 2, lines 14, 15, 16, and 17 of the bill stating this said the 2 million was still statutorily appropriated. Sen. Lynch replied they had taken the main line out and this is how it was listed as the 6 mill levy. He said it is appropriated but it goes to the Appropriations Committee. Chairman Harrington referred the question to Mr. Krause who said Section 3 had been struck by the Senate because they did not want this statutorily appropriated and possibly section 1, subsection 2 should have been stricken as well.

Rep. Giacometto asked Sen. Lynch if there was a clause to coordinate the bill with 1105. Sen. Lynch replied yes, under the exemption clause.

Rep. Driscoll asked Mr. Krause what could stop the Board of Regents from using this money for Montana State at Bozeman. Mr. Krause replied the language in the bill is specifically for the vo-tech centers and community colleges and the board would not have that option. He said the university system is governed by different laws than the vo-tech centers and community colleges.

Closing by Sponsor: Senator Lynch stated he had no vested interest in the bill. He cautioned the committee to be watchful regarding the appropriations of the funds involved. He stated the mill levy was to aid the community colleges and the vo-tech centers only and not a vehicle to replace money in the general fund. Sen. Lynch stated this would allow growth in the vo-tech system who are currently working with the needs of business to train workers to match these needs.

DISPOSITION OF SENATE BILL 287

Motion: DO PASS by Rep. Ream.

Discussion: Rep. Ream moved to amend the bill deleting lines 14 through 17, page 2.

Amendments, Discussion, and Votes: Rep. Ream's amendment was PASSED by a unanimous voice vote.

Rep. Cohen stated he thought the amendment was not necessary since the bill states the money will be statutorily appropriated.

Chairman Harrington asked Mr. Krause to respond who stated that language is in the 6 mill levy bill. He said it really had no consequences.

Rep. Gilbert stated this was a three million dollar tax increase and he felt this should be given more time for consideration.

Rep. Ream withdrew his DO PASS motion.

Rep. Driscoll then made the motion to DO PASS AS AMENDED.

Rep. Ream made the motion to AMEND page 3, line 5 and to insert in sections 15, 10, 4 and 12.

Rep. Raney asked for clarification on this. Mr. Bohyer responded this was the other half of the 1105 language. He said when the section was drafted, that 15, 10, 4 and 12 were not included in the language on line 5, page 3.

Rep. Ream made the DO PASS motion on the amendments. The motion CARRIED by a unanimous voice vote.

Rep. Schye suggested waiting a few days on this.

Recommendation and Vote: The motion DO PASS AS AMENDED carried by a 12 to 3 roll call vote with 3 committee members absent at the time of voting.

HEARING ON SENATE BILL 118

Presentation and Opening Statement by Sponsor:

Senator Tom Beck, Senate District 24, stated SB 118 comes from the Revenue Oversight Committee. He said this bill gives the counties the authority to pay back the money borrowed from the protested tax account if the court decision is in favor of the protestors. He stated the interest on these funds will stay within the county.

Testifying Proponents and Who They Represent:

None.

Proponent Testimony:

None.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Stang asked Gordon Morris, who was in the audience, regarding the protested taxes, if the state wins, where does the money go. Mr. Morris replied the tax money paid under protest is put into a protest tax fund for all counties. He said when the court decision is made, if the state wins, the money will be returned to the counties where it originated. Rep. Stang then asked what happens to school district funds. Mr. Morris responded that this bill gives the taxing jurisdictions an additional alternative for repayment of the tax money since the school district funds can draw from the protested tax funds. Senator Beck responded that School District 1 in Deer Lodge is currently using protested tax funds since there funding has been exhausted. He said they must have a mechanism to repay the funds if the court decision is in favor of the taxpayers.

Rep. Koehnke asked Senator Beck if there were any other counties or school districts using these funds. Sen. Beck replied that only Deer Lodge currently but it was possible that Boulder Schools will have to do this.

Rep. Stang asked if the state wins the case and the school districts have rebuilt their reserves, what happens to the surplus money. Senator Beck stated the first priority would be to offset levies. He then referred the question to Gordon Morris who stated there would be no money other than the six mill levy that would go back to the state. He said any other excess would be distributed to the various taxing jurisdictions in the counties.

Rep. Gilbert stated to Mr. Morris that he did not think anyone had any idea who would win this lawsuit, but still counties would be allowed to draw upon the protested tax accounts for their funding without any approval of the people which would place the county in financial jeopardy. Rep. Gilbert said if the case is lost by the state, the counties would be in serious financial trouble. He asked Mr. Morris to explain the logic of this action. Senator Beck responded that this was exactly the problem with the protested tax accounts currently. He said when the counties run out of cash, they have no choice but to borrow from the protested tax accounts and this is why the counties must

have authority to pay back these funds if the state loses the lawsuit. Rep. Gilbert said these people have a right to protest their taxes and the money belongs to the taxpayers until the court makes a decision either way. He stated he had great concern with allowing the counties to draw upon this money and especially without a vote of the people. Senator Beck responded that anyone had a right to protest the taxes and if they win the case, they have the right to be reimbursed for their taxes but the county needs cash since they are having financial problems. He said if Rep. Gilbert had a better solution, he would certainly be receptive as he realizes this is rather a no win situation.

Rep. Stang asked if Mr. Morris could respond to Rep. Gilbert's question. The chairman concurred and Mr. Morris stated current law authorizes counties, schools, cities and towns to use the protested tax money. He said this bill provides that any jurisdiction using the current law and drawing on the protested tax money, and in the event the state loses the lawsuit, authorizes that jurisdiction to issue bonds without an election and exclude those bonds from the determination of the current bond limit.

Closing by Sponsor: Senator Beck stated most counties are budgeting as high as they can and operating as conservatively as they can but they have used their reserves and no more funding is available. He said the counties have no choice but to include this anticipated tax money in their budgets. Sen. Beck said the bill is simply to provide the authority to pay the money back if the state loses the case.

DISPOSITION OF SENATE BILL 118

Motion: DO PASS by Rep. Stang.

Discussion: Chairman Harrington stated the bill is a two session bill. He said the Revenue Oversight Committee worked on this throughout the summer. Rep. Driscoll stated if the taxes have not been collected, they are not protested taxes. Rep. Stang stated the taxes have not been paid so the entire amount is being protested rather than the amount paid. He said this tax money has been put into the tax base for the county but the taxes cannot be collected. Rep. Stang said if the state loses the case and then doesn't have the money to repay the funds, they want to be allowed to issue bonds without the vote of the people since the people will not vote for this, but the funds must be repaid. Chairman Harrington stated the counties are in the middle with high tax evaluations but no funds collected. Rep. Ellison stated this was compounding a previous error and this should be taken out of the tax base. Chairman Harrington stated this had been tried in the Revenue Oversight Committee but it could not be done. Rep. Raney stated that the gentlemen from Lewis and Clark County had said that one third of the tax revenue was involved in the power line corridor, and if

the state loses the lawsuit, there would be a 50% increase in property taxes to pay for the loss. Rep. Stang said this is not revenue that would not have been collected. He stated in most cases, 50 to 69% of the taxes have been paid under protest. He said most county commissioners are afraid to use this money because of the possibility of losing the case and not being able to repay the funds. Rep. Raney stated there should be a vote of the people before any of this money is spent. Rep. Gilbert said this has never been declared a tax and any worthwhile county commissioner would not touch this money since they would have no way of knowing what will happen with the lawsuit. He said if the money is spent, and the case is lost, then there would have to be an extensive property tax increase to repay the funds. He stated, until the court decision is made, this should not be supported. Rep. Hoffman stated that the taxpayers have the right to review the county commissioner's budgets and to approve or disapprove once the budget is set. Rep. Cohen said the mill levy cannot be increased because of I105 and the counties must stay with that taxable value even though it may be quite insufficient for their needs. Rep. Giacometto stated he supports this and stated who would know better than the county commissioners what is needed in this situation. Chairman Harrington said the counties have very serious problems and they do need help. Rep. Gilbert asked if there is anything in the statute that states once something has been declared taxable, it cannot then be changed. Chairman Harrington referred this question to Dave Bohyer who stated the tax has been declared legal in Montana courts. He said this will take ten to twelve years to get to the U.S. Supreme Court. Mr. Bohyer stated when this is finally decided and money is sent back to the counties, the individual taxpayer is harmed since they paid the tax at a higher level. He said this is the problem the Montana Taxpayer's Association has with the bill. Rep. Gilbert stated then the refund will be in the form of a tax reduction rather than a cash refund. Mr. Bohyer said that was correct.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Motion to DO PASS carried by a 14 to 3 voice vote with Reps. Gilbert, Raney and Ellison voting no.

HEARING ON SENATE BILL 132

Presentation and Opening Statement by Sponsor:

Senator Joe Mazurek, Senate District 23, stated SB 132 was requested by the County Treasurers Association. He stated Section 2 of the bill defines the costs the county incurs in preparing property for tax sale. He said if the property taxes are paid by someone other than the owner, this person will have to reimburse the county for the costs incurred in preparation for the sale. Sen. Mazurek stated if the

property is then redeemed by the owners, the person paying the back taxes and the costs to the county does not receive reimbursement for the costs. He said this bill will provide for reimbursement. He stated the bill also deals with partial payment for delinquencies. He said as long as the current year taxes are paid, the taxpayer can then pay one year of the delinquency even though they may be more than a year delinquent and the property can still be retained by the owner. Senator Mazurek stated Cort Harrington was present who could answer questions regarding the bill.

Testifying Proponents and Who They Represent:

Cort Harrington, Montana County Treasurers Association
Gordon Morris, Association of Counties

Proponent Testimony:

Cort Harrington said there had been problems with the tax delinquency partial payment area and the bill clarifies this issue. He also stated the bill clearly defines the matter of costs.

Gordon Morris stated his association supports the bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members: Rep. Driscoll stated to Cort Harrington if a taxpayer is three years delinquent, and he/she pays the current year plus one delinquent year, can he/she pay just the current year in the future. Mr. Harrington replied no, each current year must be paid and the past delinquent years would be paid one each year until paid in full in order to save his property. He said the taxpayer cannot be more than three years delinquent.

Rep. Rehberg asked Senator Mazurek about the protection for the people who are losing the property under your definition of costs. Sen. Mazurek stated they always have recourse. He said the bill defines this very broadly. He would not object if the committee wished to change this.

Cort Harrington responded that the attorney general's opinion suggests costs can be charged but these costs were not clearly defined. He said the counties usually do not want to own property. He stated they want the property back on the tax rules so that is the consideration in not setting administrative costs too high. Rep. Rehberg responded that if there was a uniform interpretation, this bill would not

be necessary.

Rep. Elliott asked Cort Harrington about the period of redemption. Mr. Harrington replied this is a provision to extend the redemption to 36 months but he said in this bill, it is simplified with the one year delinquent payment each year with the current year payment until paid in full.

Closing by Sponsor: Sen. Mazurek stated the mechanism for retaining property is more acceptable in this bill and it keeps within the 36 month time limit but requires a current year payment. He thanked the committee for their time and for a good discussion of the bill.

DISPOSITION OF SENATE BILL 132

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 690

Presentation and Opening Statement by Sponsor:

Rep. Gary Spaeth, House District 84, stated HB 690 excludes title plants from property taxation. He said page 4 of the bill defines a title plant which is essentially the contents of the title company's file cabinets. Rep. Spaeth stated these records are on microfiche and it is difficult to place a tax value on these records. He said the revenue impact would be negligible. Rep. Spaeth stated it had been a long running problem to try to assess a value to these files and there had been court action in this respect. He said this was something of a nuisance tax that cost more to collect than the revenue it generated.

Testifying Proponents and Who They Represent:

Loren Solberg, Montana Land Title Association, Kalispell

Proponent Testimony:

Loren Solberg stated it was the contention of the Montana Land Title Association that title plants should be exempted from property taxation since they are intangible assets. He said litigation resulted from the implementation in 1984, of the rule by which the Department of Revenue attempted to equalize these assessments. Mr. Solberg stated his organization challenged this regulation in the courts and were successful. He stated this bill is a result of these

problems and urged the committee's support.

Testifying Opponents and Who They Represent:

Rep. Ben Cohen, House District 3

Opponent Testimony:

Rep. Ben Cohen stated the files of a title company are their assets. He said this is what is valuable in the company and can be sold for considerable amounts. He stated Rep. Spaeth had a conflict of interest with this bill because he worked for the title companies. He said there was an attempt to assign the bill to the Business and Industry Committee just before transmittal when the bill is clearly a taxation bill. Rep. Cohen stated he objected to what he considered a lack of ethics in this situation.

Questions From Committee Members: Rep. Good asked Rep. Spaeth if this was the actual taxable value of the company. Rep. Spaeth replied the bill covered the microfiche which is the file contents. Rep. Good then asked who assigns the taxable value to the microfiche. Rep. Spaeth replied this was the responsibility of the DOR but it is almost impossible to determine the taxable value.

Rep. Giacometto asked Rep. Spaeth if the DOR supported this bill. Rep. Spaeth replied they did. Rep. Giacometto then asked Rep. Spaeth if he worked for the title companies to which he replied he did not.

Closing by Sponsor: Rep. Spaeth stated he resented the fact that his honor had been slandered in the committee. He said he did not work for any title companies. Rep. Spaeth stated the only business he did with title companies was referring clients to them when the clients asked for title insurance. Rep. Spaeth stated in regard to the bill, he assumed it would go to taxation and he was surprised when it was sent to Business and Industry. He said he did not request that this be done. Rep. Spaeth stated he resented the implication of deviousness on his part and stated this had nothing to do with the bill. He urged the committee to give the bill consideration on its own merit.

Rep. Harrington stated to Rep. Spaeth that he hoped he understood this was the feeling of one member, not the entire committee.

DISPOSITION OF HOUSE BILL 690

Motion: DO PASS by Rep. Giacometto.

Discussion: Rep. Stang opposed the motion. He stated there had been a history of litigation in this area but the title

plants are not taxed as depreciated assets like any other personal property. Rep. Hoffman stated that from a county assessors point of view, trying to establish a valuation for tax purposes was a very difficult problem but the title plant is the asset of the company and he opposed the bill. Rep. Ream asked Ken Morrison of the Department of Revenue, who was in the audience, if there was a lack of uniformity in making this type of assessment. Mr. Morrison replied there was difficult in assessing this but currently, they are using the value placed on these assets by the title companies themselves. He stated there wasn't a lot of problem with this. Rep. Driscoll asked Mr. Morrison if the companies depreciated the title plants for Montana State income tax. Mr. Morrison replied many did but he could not state absolutely that all companies did this.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: DO PASS motion failed by a 12 to 5 roll call vote. The motion was made to reverse the vote. HB 690 was a DO NOT PASS.

EXECUTIVE SESSION

DISPOSITION OF HOUSE BILL 638 HEARD ON MARCH 3:

MOTION: DO PASS by Rep. Rehberg.

DISCUSSION: Rep. Rehberg spoke to his motion stating a true trust cannot rely on one source of investment. He said the state is too reliant on cash in and cash out and spending the interest. He stated this is ruining the coal trust.

Rep. Giacometto stated he supports the bill.

Rep. Raney said the theory is that the trust is dissipating because the interest is being spent and the solution to that is to spend the trust. He stated the trust gives the state incredible bondability and independence from all tax sources by the \$44,000,000.00 annual revenue from the trust. He said if the trust is used for even one grant, it will soon be spent entirely.

Rep. O'Keefe proposed an amendment on page 10, line 8, to strike 250 and insert 100.

The amendment CARRIED by a voice vote of 15 to 3.

Rep. Raney made a substitute motion to DO NOT PASS AS AMENDED.

The motion FAILED on a 9 to 9 roll call tie vote.

Rep. Rehberg made the motion to TABLE. The motion CARRIED by a unanimous voice vote.

DISPOSITION OF HOUSE BILL 643 HEARD ON MARCH 2:

MOTION: DO NOT PASS by Rep. Patterson. Motion CARRIED on a 15 to 3 voice vote with Reps. Rehberg, O'Keefe and Giacometto voting no.

DISPOSITION OF HOUSE BILL 634 HEARD ON MARCH 2:

MOTION: DO NOT PASS by Rep. Gilbert.

Rep. Raney made the motion to TABLE. Rep. Gilbert withdrew his motion. HB 634 TABLED by a 14 TO 4 voice vote with Reps. Rehberg, Cohen, Giacometto and O'Keefe voting no.

DISPOSITION OF HOUSE BILL 625 HEARD ON MARCH 1:

MOTION: Amendments had been proposed by Rep. John Mercer. (Exhibit 6). Motion made to DO NOT PASS by Rep. Stang.

DISCUSSION: Rep. Stang stated the legislature should wait until the agreement between the indians and the government is negotiated. He said if the bill is passed, before waiting to see what happens, the indians will not need to negotiate with the local government because they will know the state will pay them. Rep. Hoffman asked Rep. Stang what was the obligation of the counties to the indian reservations. Rep. Stang replied he was not sure but the indians operate businesses on the reservations and they like the services from the local government also. Rep. Schye stated the county services on the Ft. Peck reservation are taxed and there is a lot of land that is not tribal land.

A substitute motion to table the bill was made by Rep. Stang.

Motion CARRIED by a unanimous voice vote.

DISPOSITION OF SENATE BILL 1 HEARD ON FEBRUARY 28:

MOTION: Amendment proposed by Rep. Raney.

DISCUSSION: Rep. Raney stated the purpose of this bill is to exempt all coal royalties from taxation but he suggested all the royalties be taxed. He said there was no fiscal note as yet to indicate the cost impact. Rep. Raney said the Department of Revenue had told him they could not supply a fiscal note for something that was not going to happen until 1991. He then requested an estimate of the cost impact but this had not been provided to date.

Rep. O'Keefe stated he had asked Mr. James Mockler of the Coal Council for information which had been supplied to him but he did not have copies with him. He asked the committee to wait on this bill until he could get this information copied.

The committee concurred with Rep. O'Keefe's request.

DISPOSITION OF HOUSE BILL 111 HEARD ON JANUARY 18:

MOTION: DO PASS on the bill and proposed amendment moved by Rep. Gilbert.

DISCUSSION: Rep. Gilbert stated he wished to change the .50 cents to .75 cents in the bill. He said all of the money to this fund will be used only for this fund. Rep. Driscoll asked why this fund was not being replenished. Rep. Ream stated the reserves had been depleted much faster than they were being collected. Rep. Cohen asked why the program was not self-supporting since private junk vehicle dealers do not have this problem. He said perhaps the private dealers should handle it. Chairman Harrington stated the problem with private dealers handling the junk vehicles is that it creates a lot of problems for the counties in deciding who is to get this business venture. Rep. Cohen stated he thought the .50 cent increase was sufficient. Rep. Driscoll stated he did not see how this program could be short of money.

The amendment CARRIED by an 11 to 7 voice vote.

The motion to DO NOT PASS AS AMENDED made by Rep. Driscoll.
Motion CARRIED by an 11 to 7 voice vote.

ADJOURNMENT

Adjournment At: 11:45 a.m.



REP. DAN HARRINGTON, Chairman

DH/lj

5315.min

DAILY ROLL CALL

TAXATION

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date March 7, 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	✓		

LaWand

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that House Bill 589 (first reading copy -- white) do pass as amended.

Signed: _____

Dan Harrington
Dan Harrington, Chairman

And, that such amendments read:

1. Page 2, line 24.

Following: "establishment"

Insert: "or repeal"

Following: "area"

Insert: "designation"

2. Page 2, line 25.

Following: "imposing"

Insert: "or repealing"

3. Page 3, line 3.

Following: "proposed"

Insert: "or existing"

4. Page 3, line 6.

Following: "impose"

Insert: "or repeal "

5. Page 4, line 4.

Following: "facilities"

Strike: ";

Insert: "."

6. Page 4, lines 5 through 7.

Strike: subsection (2) (a) (v) in its entirety

7. Page 8.

Following: line 19

Insert: "(c) The governing body must be reimbursed from the tax relief fund for costs associated with the collection, administration, and litigation of the resort area tax."

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that Senate Bill 287 (third reading copy -- blue) be concurred in as amended .

Signed: 

Dan Harrington, Chairman

[REP. _____ WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

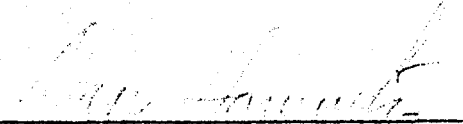
1. Page 2, line 3.
Following: "education."
Strike: "(1)"
2. Page 2, line 8.
Strike: "(a)"
Insert: "(1)"
3. Page 2, line 12.
Strike: "(b)"
Insert: "(2)"
4. Page 2.
Following: line 13
Strike: lines 14 through 17
5. Page 3, line 4.
Strike: "OR IN"
Insert: " , "
6. Page 3, line 5.
Following: "15-10-411"
Insert: " , or 15-10-412"

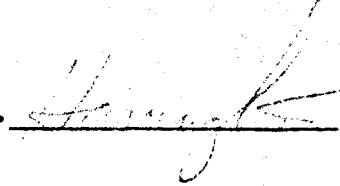
STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that Senate Bill 118 (third reading copy -- blue) be concurred in.

Signed: 
Dan Harrington, Chairman

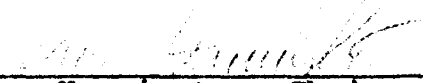
[REP.  WILL CARRY THIS BILL ON THE HOUSE FLOOR]

STANDING COMMITTEE REPORT

March 7, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that House Bill 643 (first reading copy -- white) do not pass.

Signed: 
Dan Harrington, Chairman

EXHIB. 1
DATE 3/7/89
HB 479
Rep. K. Addy

Amendments to House Bill No. 479
First Reading Copy

Requested by Rep. Kelly Addy
For the Committee on Taxation

Prepared by Dave Bohyer
March 1, 1989

1. Title, line 5.
Following: "IMPOSE"
Strike: "ANY TYPE OF TAX NOT PROHIBITED BY LAW"
Insert: "A LOCAL SALES TAX OR A LOCAL INCOME TAX"
2. Page 2, line 15.
Following: "of"
Insert: "certain"
3. Page 2, line 16.
Strike: "tax"
Insert: "taxes -- limitations"
4. Page 2, line 20.
Following: "(a)"
Strike: "taxes"
Insert: "a tax"
Following: "income;"
Insert: "or"
5. Page 2, line 21.
Following: "(b)"
Strike: "taxes"
Insert: "a tax"

6. Page 2, lines 21 and 22.

Following: "services" on line 21

Strike: the remainder of line 21 through "law" on line 22

Insert: "(2) A local income tax imposed under [sections 1 through 6] may not exceed 10% of a taxpayer's Montana state income tax liability.

(3) A local sales tax imposed under [sections 1 through 6]:

(a) may not exceed the rate of:

(i) 2% if there is no statewide sales tax; or

(ii) 1% if there is a statewide sales tax; and

(b) may exclude or exempt from the tax:

(i) unprepared food;

(ii) prescription and nonprescription drugs;

(iii) agricultural machinery, equipment, and supplies;

(iv) the value in excess of \$500 of any item costing more than \$500;

(v) basic necessities as specified in the taxing proposal under subsection (4); or

(vi) services."

Renumber: subsequent subsections

7. Page 3, line 11.

Following: "subsection"

Strike: "(3)"

Insert: "(5)"

8. Page 3, line 25 through page 4, line 2.

Following: "municipality" on page 3, line 25

Strike: the remainder of line 25 on page 3 through "municipality" on page 4, line 2

9. Page 3, lines 15 through 18.

Following: line 14

Strike: subsection (4) in its entirety

EXHIBIT 2
DATE 3/7/89
HB 479
Rep. K. Addy

Amendments to house Bill No. 479
First Reading Copy

Requested by O'Keefe
For the Committee on Taxation

Prepared by Greg Petesch
March 1, 1989

1. Page 4, line 12.

Following: ";"

Strike: "and"

Insert: "(c) 15% of the tax collections that must be deposited to
the credit of the state general fund; and"

Renumber: subsequent subsection

2. Page 5, line 13.

Following: "."

Insert: "The enabling legislation for any tax authorized by
[section 2] must provide that 15% of the proceeds of the tax
will be deposited to the credit of the state general fund."

01-Mar-89

EXHIBIT 3
DATE 3/7/89
SB 287
Sen. J. H. Lynch

STATEWIDE 2-MILL PROJECTIONS

FY 90-91 BIENNIUM

	FY 90	FY 91
6-Mill projections- Legislative Fiscal Analyst	12,050,000	12,022,000
2-Mill projection based on 6-Mill	4,016,667	4,007,333
2% allocation to NMC	80,333	80,147
2-Mill balance to be distributed	3,936,333	3,927,187

ALLOCATION TO VO-TECHS & COMMUNITY COLLEGES

BASED ON FY88 VOCATIONAL TECHNICAL STUDENT FTE

	FYFTE	FY 90	FY 91
Billings Vo-Tech	398	538,927	537,675
Butte Vo-Tech	395	534,865	533,622
Great Falls Vo-Tech	473	640,484	638,995
Helena Vo-Tech	577	781,309	779,493
Missoula Vo-Tech	487	659,441	657,908
Dawson Community College	118	159,782	159,411
Flathead Community College	322	436,016	435,003
Miles Community College	137	185,510	185,079
	-----	-----	-----
	2,907	3,936,333	3,927,187
	=====	=====	=====

TESTIMONY IN SUPPORT

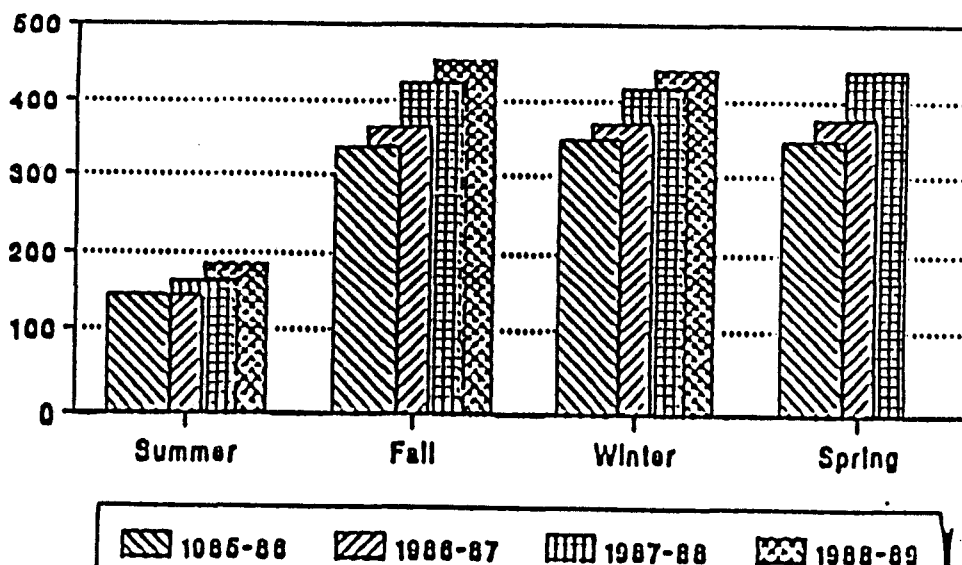
OF SENATE BILL 287

SUBMITTED BY

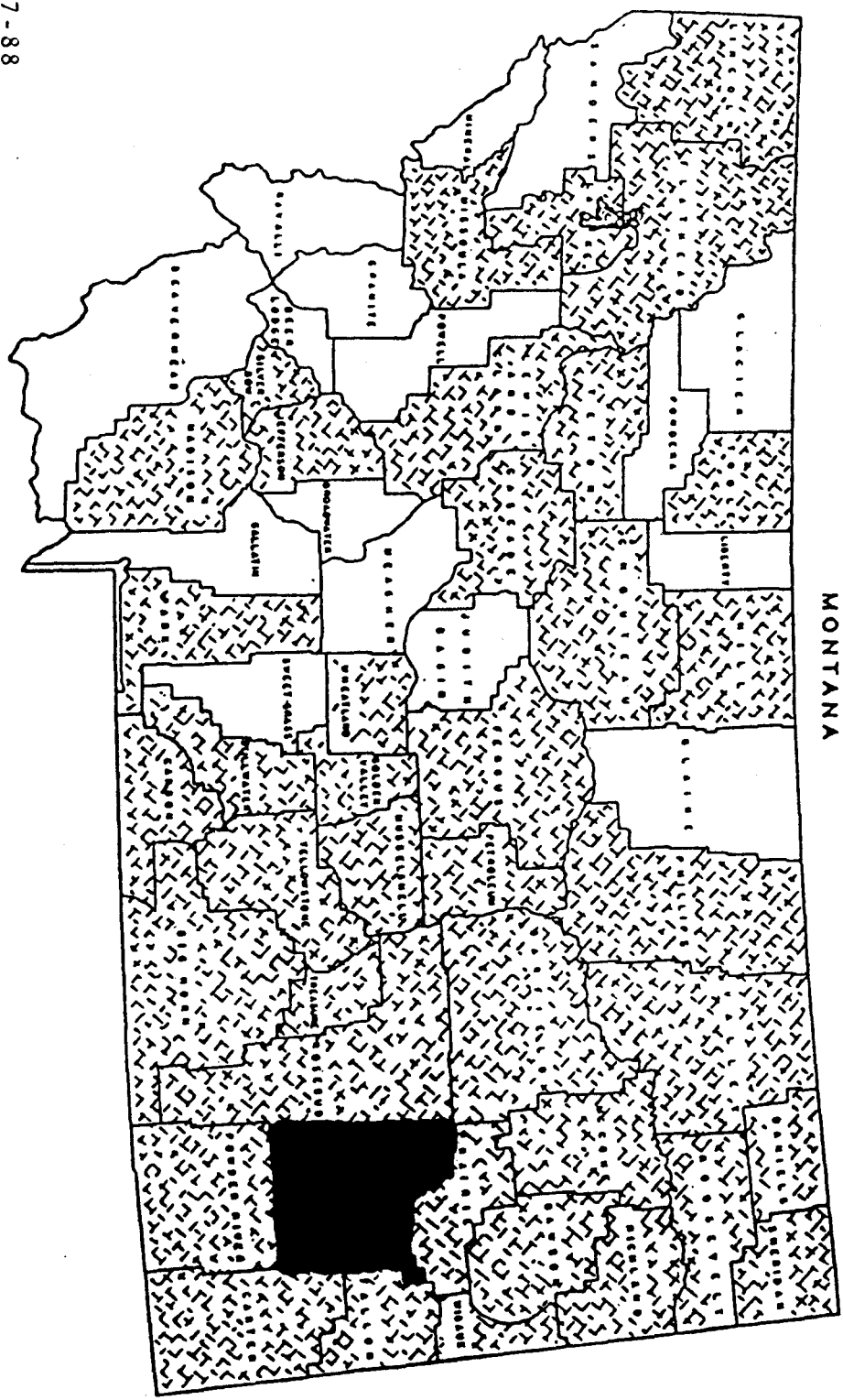
WILLARD R. WEAVER, DIRECTOR
GREAT FALLS VOCATIONAL-TECHNICAL CENTER

- 1) The Great Falls Vocational-Technical Center has received additional funding beyond the monies appropriated by the legislature. House Bill 39 provided for an additional local School District levy to operate the vocational-technical centers for Fy 88 and Fy 89. The Great Falls Public School District provided in addition direct and indirect funding for services beyond the levy approved by the electorate. The replacement of these funds is necessary for the operation of the Center.
- 2) The Center provides education and training programs for individuals seeking entry-level employment, upgrading of skills, and retraining. These programs reflect present and future employment and technology needs. Because of this role and scope, Centers can become a cornerstone for economic development in Montana.
- 3) The vocational-technical centers are governed and operated as a statewide system. Programs which are offered only at the Great Falls Center are (1) Dental Assistant, (2) Emergency Medical Technician (3) Respiratory Therapist, (4) Child Care Specialist, (5) Jewelry, Watchmaking, and Microprecision Technology.

Great Falls Vo-Tech
F.T.E.



MILES COMMUNITY COLLEGE



FULL-TIME STUDENTS
 ENROLLED FROM
 OUT-OF-DISTRICT
 MONTANA COUNTIES

1987-88

FALL QTR - 165 Students	from 36 Counties
WINTER QTR- 172 Students	from 37 Counties
SPRING QTR- 131 Students	from 35 Counties
AVERAGE - 156 Students	from 36 Counties

EXHIBIT 6
DATE 3/7/89
HB 625
Rep. J. Mercer

Amendments to House Bill No. 625
First Reading Copy

Requested by Rep. John Mercer
For the Committee on Taxation

Prepared by Dave Bohyer
March 6, 1989

1. Title, lines 10 and 11.

Following: "PROVIDING"

Strike: "AN IMMEDIATE"

Insert: "A CONTINGENT"

Following: "DATE" on line 11

Insert: "AND A TERMINATION DATE"

2. Page 2.

Following: line 4

Insert: "(2) Under a state-tribal agreement, a tribal government shall complete and deliver to the department of revenue within 15 days of the end of each quarter a statement showing the total net machine income collected from video draw poker and keno machines for the preceding quarter."

Renumber: subsequent subsection

3. Page 2, line 5.

Following: "reimbursement"

Insert: "to be"

4. Page 2, line 6.

Strike: "determined by multiplying the per machine average of"

Insert: "equal to"

5. Page 2, line 7.

Following: "tax"

Insert: "that would be"

6. Page 2, line 8 through 10.

Following: "23-5-610" on line 8

Strike: the remainder of line 8 through "county" on line 10

Insert: "if the net machine income were produced in a nonreservation area"

7. Page 5, line 17.

Following: "Section 6."

Strike: "Effective"

Insert: "Contingent effective"

8. Page 5, line 18.

Following: "effective"

EXHIBIT 6, pg. 2
DATE 3/7/89
HB 625
Rep. J. Mince

Strike: "on passage and approval"

Insert: "[on the effective date of the first state-tribal
agreement executed in Montana]"

9. Page 5, line 19.

Following: line 18

Insert: "NEW SECTION. Section 7. Termination date. [This act]
terminates 2 years after [the contingent effective date]."

COMMITTEE

SPONSOR Sen. J. D. Lynch

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HOUSE TAXATION

COMMITTEE

BILL NO. HB 690DATE March 7, 1989SPONSOR Rep. Gary Spaeth

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
LOREN SOLMERG	KACIPELL	X	
RUSSELL BARNES	LIBBY	X	

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. SB 118

DATE March 7, 1989

SPONSOR Sen. Tom Beck

[illegible]

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. SB 132DATE March 7, 1989SPONSOR Senator Joe Mazurek

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Cort Harrington</i>	<i>Mont. County Treasurer Ass</i>	<i>X</i>	
<i>Scott Turner</i>	<i>Yellowstone County</i>	<i>X</i>	
<i>Gordon Morris</i>	<i>MA Co.</i>	<i>X</i>	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989 BILL NO. HB 589 NUMBER 1

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

TALLY

6 12

LaHara John
Secretary

Law Harnoff
Chairman

MOTION: DO PASS ON AMENDMENTS 5 & 6. MOTION FAILED.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989 BILL NO. HB 589 NUMBER 2

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

TALLY

LaBarra John
Secretary

10 8
Alan Harrington
Chairman

MOTION: DO PASS AS AMENDED. MOTION CARRIED.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989 BILL NO. HB 479 NUMBER _____

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

TALLY

LaHara John
Secretary

Dan Harrington ⁷ ¹¹
Chairman

MOTION: DO PASS ON AMENDMENTS. MOTION FAILED.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989 BILL NO. SB 287

NUMBER _____

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

TALLY

LaHara John
Secretary

Dan Harrington
Chairman

MOTION: DO PASS AS AMENDED. MOTION CARRIED.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989

BILL NO. HB 690

NUMBER

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

TALLY

5

12

La Hara John
Secretary

Dan Harrington
Chairman

MOTION: DO PASS. MOTION FAILED. VOTE REVERSED. DO NOT PASS.

ROLL CALL VOTE

TAXATION

COMMITTEE

DATE March 7, 1989

BILL NO. HB 638

NUMBER

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

TALLY

9

9

John J. Harrington
Secretary

Dan Harrington
Chairman

MOTION: DO NOT PASS AS AMENDED. MOTION FAILED.

