

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - 1st SPECIAL SESSION

#### COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

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

#### ROLL CALL

Members Present: All with exception of:

Members Excused: Rep. Daily, Rep. Cobb, Rep. Grinde, Rep.  
Harrington, Rep. Kimberley, Rep. Peck, Rep. Thomas and Rep.  
Wallin.

Members Absent: None

Staff Present: Andrea Merrill, Legislative Researcher  
Claudia Johnson, Committee Secretary

Announcements/Discussion: None

#### HEARING ON SENATE JOINT RESOLUTION 1

"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY ON PROPERTY TAX REFORM AND THE REORGANIZATION OF COUNTIES, SCHOOL DISTRICTS, AND THE UNIVERSITY SYSTEM; AND REQUIRING A REPORT OF THE FINDING OF THE STUDY TO THE 52ND LEGISLATURE".

#### Presentation and Opening Statement by Sponsor:

Senator Gage, Senate District 5, opened stating that this bill is a request to look into the possibilities of reorganization of the counties and what implications that it might have on all of Montana's tax structure. He stated that this study is to take a look to see what would happen if all property on the tax rolls when they are at 100 percent of value. Sen. Gage gave an example of Texas going through dilemma and they have been able to solve a lot of their tax and equality in their State as far as the unequal tax base in the various school districts. Sen. Gage stated that by looking at the consolidation of school districts and the unification of the school districts will equalize a lot of the tax bases. Sen. Gage stated that he has spoken with Sen. Van Valkenburg who thought that maybe the University of Montana which has indicated they could do the study on the program if they could come up with the \$8,000 to tie them over until their grant comes through from the Northwest and possibly another grant from U.S. West for some other programs they are doing in conjunction with this.

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. Simpkins asked Sen. Gage what the amount of the grant was that he was talking about? Sen. Gage replied that it was \$111,664.

Rep. Spring asked Sen. Gage if there has been any study on the reorganizing of the counties? Sen. Gage stated that he did not think so.

Rep. Johnson asked Sen. Gage if the new census coming out in 1990 will take into consideration the possibilities of reapportionment in the counties of Montana. Sen. Gage stated that he did not think so because reapportionment districts do not follow county lines they follow rivers, highways and landmarks in order to place populations within those districts for the 5 percent of the State average for a house district.

Chairman Schye stated that he had spoken with Rep. Bradley and she is drawing up a resolution that deals with a property tax comprehensive study for reform and asked if her bill could be amended into this? Sen. Gage thought that they were pretty much the same and would not need to include hers.

Rep. Eudaily asked Sen. Gage if he would approve a statement in an amendment to appropriate the \$8,000 and not have to go through the ranking process. Sen. Gage agreed.

Rep. Gervais asked Sen. Gage if this resolution does not pass could the Indian Committees address similar situations concerning the reservation boundaries and the taxation issues? Sen. Gage stated that he was sure they could, but did not think that there would be enough in the budget to cover too many meetings. Sen. Gage stated that he and Rep. Gervais have talked about amending into the county portion of this bill a provision that will state that the reservations in this reorganization be considered their own separate counties. Sen. Gage stated that Judge Hatfield has

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a temporary injunction that states "the counties and the State cannot tax land owned by Indians on reservations". He gave a scenario of a woman in Browning that has been served papers that states that the State or county will be starting an action for tax deed. Judge Hatfield gave a temporary injunction against the State or county so they could not take any action against her for those taxes. If this is made permanent the counties or the State will not be able to tax trust property by federal order.

Closing by Sponsor: Sen. Gage closed.

DISPOSITION OF SENATE JOINT RESOLUTION 1

Motion: Rep. Phillips made the motion for a do pass.

Discussion: None

Amendments, Discussion, and Votes: Rep. Eudaily suggested two amendments. The first amendment is to have the Vo-Techs and the Community Colleges be in conjunction with this study to draw them into the whole pattern.

Motion: A voice vote was taken. The motion CARRIED unanimously.

Rep. Eudaily's second amendment is to appropriate the \$8,000 to the University of Montana to start the study for the property tax reform and the reorganization of counties. Rep. Eudaily stated that if the Finance Committee could look at the University System and if Rep. Stang's study on the school districts could be included into the other education study then everything would be covered. Rep. Eudaily stated that the problem the way the law is written now and if this bill goes through with a study resolution calling for an interim committee he stated that unless there is some language in there it would exempt the council from having to assign this to a committee or placing it into a ranking list. He suggested that the Committee amend the \$8,000 and add the language in for the legislative council that states "shall use this money and assign a part of this study to a University group and assign the rest of the studies to standing or interim committees that are already established".

Recommendation and Vote: Rep. Stang made a substitute motion to TABLE SJR 1. Roll call vote was taken and the motion CARRIED 12/7 to TABLE SJR 1.

The Education Committee was adjourned.

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ADJOURNMENT

Adjournment At: 8:30 a.m.

  
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REP. TED SCHYE, Chairman

TS/cj

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# DAILY CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 7/8

NAME	PRESENT	ABSENT	EXCUSED
REP. SCHYE, CHAIRMAN	✓		
REP. DAILY, VICE-CHAIRMAN			
REP. COBB			
REP. COCCHIARELLA	✓		
REP. DARKO	✓		
REP. DAVIS	✓		
REP. EUDAILY	✓		
REP. GERVAIS	✓		
REP. GLASER	✓		
REP. GRINDE			
REP. HARRINGTON			
REP. JOHNSON	✓		
REP. KIMBERLEY			
REP. KILPATRICK	✓		
REP. NELSON	✓		
REP. PECK			
REP. PHILLIPS	✓		
REP. SIMPKINS	✓		
REP. SPRING, JR.	✓		
REP. STANG "SPOOK"	✓		
REP. THOMAS			
REP. WALLIN			
REP. WYATT	✓		
REP. ZOOK	✓		

# ROLL CALL VOTE

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

DATE 7/7/69 BILL NO. SQR 1 NUMBER \_\_\_\_\_

NAME	AYE	NAY
Rep. COCCHIARELLA	✓	
Rep. COBB		
Rep. DARKO	✓	
Rep. DAVIS	✓	
Rep. EUDAILY		✓
Rep. GERVAIS	✓	
Rep. GLASER	✓	
Rep. GRINDE	✓	
Rep. HARRINGTON		
Rep. JOHNSON	✓	
Rep. KILPATRICK	✓	
Rep. KIMBERLEY	✓	
Rep. NELSON	✓	
Rep. PECK		
Rep. PHILLIPS		✓
Rep. SIMPKINS		✓
Rep. SPRING		✓
Rep. STANG	✓	
Rep. THOMAS		
Rep. WALLIN		✓
Rep. WYATT	✓	
Rep. ZOOK		✓
CHAIRMAN SCHYE		✓
VICE CHAIRMAN DAILY		

TALLY

12 7

Charles Johnson  
SECRETARY

Ed Schye  
CHAIRMAN

MOTION: Rep Stang made substitute  
motion to TABLE SQR 1. The motion  
CARRIED 12/7