

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By CHAIRMAN BOB GILBERT, on February 10, 1993, at 8:15 a.m.

ROLL CALL

Members Present:

Rep. Bob Gilbert, Chairman (R)
Rep. Mike Foster, Vice Chairman (R)
Rep. Dan Harrington, Minority Vice Chairman (D)
Rep. Shiell Anderson (R)
Rep. John Bohlinger (R)
Rep. Ed Dolezal (D)
Rep. Jerry Driscoll (D)
Rep. Jim Elliott (D)
Rep. Gary Feland (R)
Rep. Marian Hanson (R)
Rep. Hal Harper (D)
Rep. Chase Hibbard (R)
Rep. Vern Keller (R)
Rep. Ed McCaffree (D)
Rep. Tom Nelson (R)
Rep. Scott Orr (R)
Rep. Bob Ream (D)
Rep. Rolph Tunby (R)

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Council
Jill Rohyans, Committee Secretary
Louise Sullivan, Transcriber

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 418, HB 436, HB 444 and HB 495
Executive Action: HB 418, Tabled
SB 234, Be Concurred In As Amended
HB 360, Tabled
HB 413, Do Pass As Amended

HEARING ON HB 418Opening Statement By Sponsor:

REP. DAVE BROWN, House District 72, Butte, said HB 418 would permit partial payments on delinquent property taxes. He said the County Treasurers had objections to the bill. He has agreed to work with them over the next two years, and asked the Committee to kill the bill.

EXECUTIVE ACTION ON HB 418

Motion/Vote: REP. HARPER MOVED THAT HB 418 BE TABLED. Motion carried unanimously.

HEARING ON HB 436Opening Statement By Sponsor:

REP. TOM NELSON, House District 95, Billings, said HB 436 was introduced at the request of the Yellowstone County Commissioners to clarify section 15-6-135 dealing with Class 5 property as it pertains to water and air pollution. He said the intent of the proposal is to clarify the meaning of "preferential tax treatment" for property, facilities and machinery which are installed to comply with water and air pollution laws. The tax incentive encourages the clean-up of air and water.

Proponents' Testimony:

Mike Mathew, Yellowstone County Commissioner, Billings, appeared in support of HB 436. He said they have no objections to amendments which would clarify the existing language. He said Yellowstone County is very concerned about air quality and growth is dependent on SO₂ emission control. He said they are looking at, and encouraging, any pollution devices that could be used in any industrial operations for that purpose. He said Yellowstone County has been aggressive in the use of tax incentives to encourage growth and cleaner operations. The Department of Health and Environmental Sciences (DHES) makes the determination of Class 5 property but they insufficient guidelines and rulemaking authority. This bill established guidelines and rulemaking authority so these designations could be clearly made and easily administered.

Opponents' Testimony:

Ted Doney, attorney and lobbyist for ASARCO, Inc., Colstrip Energy Limited Partnership, and Billings Generation, Inc., stated they had difficulties with the bill but supported the concept of providing guidelines for designating Class 5 property. However, as the bill is written, it severely restricts the industries'

ability to classify their air and water pollution control equipment as classified property. He enumerated the various problems with the bill. He said on Page 2, line 25, the word "exclusively" is severely limiting and should be stricken. Potentially, all of the air pollution control equipment could be taken out of Class 5 because it is not used "exclusively" for air pollution control. Referring to page 3, lines 17-18, he said the wording is vague regarding non-compliance. He asked if a one-time violation of the permit considered non-compliance. There are instances where industries have down-time because of "blips", which are inevitable in any industry. On page 3, line 15, he proposed inserting the word "substantial" before "compliance", and on line 17 strike "a" and insert "substantial". This would give HEC some flexibility. With these amendments, he said they could support the bill.

Rex Manuel, representing CENEX Petroleum Division, Laurel, said the intent of the bill was good but he believed it could develop into a Yellowstone County Relief Act that is not the intent of the Yellowstone County Commissioners. Mr. Manuel said he agreed with Mr Doney's proposed amendments. He read a letter from R.E. Pletcher, Refinery Manager, CENEX. EXHIBIT 1

John Fitzpatrick, Director of Community and Governmental Services, Pegasus Gold, Inc., endorsed the amendment to strike "exclusively" proposed by Mr. Doney. He identified circumstances whereby the use of pollution control equipment provides a by-product which could also be used or sold. He said there are many applications of pollution control equipment where there may be several benefits taking place at the same time but no by-product being generated for sale, e.g., a settlement pond which is also used as a stock water source by local ranchers. He urged the adoption of the amendment.

Ken Williams, representing Montana Power Company, said he shared the concerns expressed by previous opponents dealing with exclusivity and the compliance reviews. He said they were concerned with the potential impacts on the Corette Generating Station and the MHD project.

Don Allen, representing the Montana Wood Products Association, agreed with the previous testimony.

Informational Testimony:

Jeff Chaffee, Air Quality Bureau, Department of Health and Environmental Sciences (DHES), presented written informational testimony. EXHIBIT 2

Questions From Committee Members and Responses:

REP. DRISCOLL asked who determined air pollution control equipment at the plant in Billings. Steve Pilcher, Administrator, Environmental Sciences Division, DHES, said in the absence of any

guidelines which differentiate between processing equipment and air pollution control equipment, it was determined the equipment was air pollution control.

REP. DRISCOLL asked if Montana Sulfur used entirely pollution control equipment. Mr. Pilcher said it would be basically the same situation under the current interpretation of the statute.

REP. DRISCOLL asked Mr. Pilcher if he could find out the classification of Montana Sulfur. Mr. Pilcher said he would do so.

REP. McCAFFREE asked Mr. Doney what the industries would consider a definition of "substantial compliance". Mr. Doney said industry would interpret it to mean if there is a one-time violation they would still be in substantial compliance; twice a year, probably still in substantial compliance. There are situations where there is a temporary non-compliance if this happened a few times a year. Otherwise, if the plant was operating properly and was in compliance, they would still be in substantial compliance. A violation once a week would not be substantial compliance.

Closing Statement by Sponsor:

REP. NELSON said the amendments proposed by Mr. Doney were appropriate and suggested that Mr. Doney and others submit an appropriate definition of "substantial compliance".

HEARING ON HB 495

Opening Statement by Sponsor:

REP. JIM ELLIOTT, House District 51, Trout Creek, said the bill basically extends the provisions of the catering endorsement, which is available to anyone in Montana who owns an all-beverage license, to someone currently holding a beer and wine license. HB 495 lowers the annual fee from \$250 to \$25. The primary purpose is not to sell liquor at the catered event but to have beer or wine available. Currently, the sponsor of the event must buy their own wine. Under the all-beverage license the Department of Revenue (DOR) must be notified of the event. A \$35 fee must be paid for each catered event. DOR submitted amendments coordinating the bill with the all-beverage license. **EXHIBIT 3**

Proponents' Testimony:

Dick and Millie Wells, owners of Lonesome Dove Restaurant and Antiques, Thompson Falls, said they were the only fine food restaurant between Missoula and the Idaho border with wide recognition. He said they receive frequent requests to cater. The customers assume they are able to serve beverages as well. He said the opportunity to make a living in that rural area of

the state is very limited and this bill would be very beneficial to them.

Joe Roberts, owner of the Queen City Cafe, Helena, said they were quite surprised that their beer and wine license did not allow for a catering endorsement. He said when people call them to cater an event they expect the caterer to supply the beer and wine with the food. This is not a large part of their business but it is an important part. He said it cost them a substantial amount of money to get the license transferred and they already pay substantial taxes and permit fees to the state, county, and city. He said this bill made sense and would be a welcome addition to his business.

Opponents' Testimony:

Mark Staples, representing the Montana Tavern Association, said he was not really an opponent. He submitted proposed amendments to the bill. He said not every all-beverage license has catering endorsement. They must apply for one. They then must check it out with their insurance company because they are endorsing the use of their license to someone else and assuming the liability. The Association asked that the applicants pay commensurately with other catering endorsements. The holders of all-beverage licenses pay \$250 per year plus \$35 for each catered event. Two-thirds of the sales are usually beer and wine. The catering endorsement for beer and wine should be more than \$25 per event. He said the notice provision should remain in the bill.

Barbara Morris, Jorgenson's Restaurant and Lounge, Helena, said they have a full catering endorsement under the all-beverage license. She asked that the bill be monetarily fair.

Kevin Olson, Smith's Place, East Helena, said he was only concerned about the fairness issue as he pays the \$250 per year plus \$35 for each event under his all-beverage license.

Questions From Committee Members and Responses: None.

Closing Statement By Sponsor:

REP. ELLIOTT said he understood the concerns of the all-beverage license holders that the fees charged should be similar; however, he felt the current rate is too high. He said the rates should be lower because beer and wine would be consumed as a complement to the meal and was not the primary purpose of the event.

HEARING ON HB 444

Opening Statement By Sponsor:

REP. BOB PAVLOVICH, House District 70, Butte, said HB 444 is an

amendment to Article IX, Section 5 of the Montana Constitution. It would reduce by one-half the amount of revenue flowing into the permanent trust fund and would be used for public schools and maintenance of state-owned buildings. The revenue would be divided equally between K-12 schools, the university system and state maintenance. There is over \$500 million in the permanent trust and some people think it is time to use some of this money. The bill would not raid the permanent trust, it would just divert some of the money going into the trust. **REP. PAVLOVICH** submitted a trust fund flow chart. **EXHIBIT 4** The citizens of Montana want to use some of the coal trust money as evidenced by their vote for the Treasure State Endowment. This bill would place the proposal on the ballot for a public vote.

VICE CHAIRMAN FOSTER ASSUMED THE CHAIR.

Proponents' Testimony:

John McCarthy, lobbyist for the Associated Students of the University of Montana, Missoula, agreed with **REP. PAVLOVICH** and said higher education needs some kind of permanent revenue stream. In a recent survey, 60% of Montanans said they would be willing to pay higher taxes to maintain secondary programs and schools and 66% said they would pay taxes to ensure the competitive quality of the higher education system. He asked that the Committee pass this on to the people of Montana.

D'Anna Smith, lobbyist for the Associated Students at Montana State University, Bozeman, said the students at Bozeman were concerned with the buildings on campus. She said there have been serious problems with deferred maintenance. The students were honored that **REP. PAVLOVICH** would introduce the bill for the benefit of the students and university system.

Don Waldron, representing the Montana Rural Education Association (**MREA**), expressed support for the bill for several reasons. There have been many attempts to raid the coal trust and it should be put to a vote of the people. He said education is a most worthy cause, and state-owned buildings are in bad shape. He urged support for the bill.

Opponents' Testimony:

Verner Bertelsen, private citizen, said one of the things he fears about legislative proposals to use the coal tax trust fund is that it would try to give something to everyone. He said splitting the revenue would not give much to anyone but would effectively destroy the constitutional coal trust fund as a viable fund. It could negatively impact the future bonding capabilities of the state. He said his arguments against **HB 360** apply to this bill as well. The Legislature is the steward of this trust and he asked that it not permit the diversion of this money. The fund provides 8.2% of the income for the general fund. It makes good fiscal and moral sense to protect it.

REP. BOB RANEY said the bill would authorize taking \$40 million a year total from the coal tax fund. Interest on \$100 million at the end of 10 years would be \$10 million. The reason for the trust initially was to provide this interest. Between 8%-10% of the state government general fund is funded by interest from the coal tax trust fund. Also, when proprietary funds are set up that are penetrable, the funds could be diverted to some other cause. None of these programs will gain anything by diverting the coal tax trust fund. There will only be a short-term tax differential and a long-term revenue loss.

Questions From Committee Members and Responses:

REP. HARPER asked **Anna Miller, Department of Natural Resources and Conservation (DNRC)**, to comment on the potential bonding capacity problem.

Ms. Miller said the bill is different than HB 360 because this bill takes the flow of funds and divides it. The coal tax permanent trust is used as indirect backing for TRANS issues or the tax anticipation notes issued every year. She said the state will probably issue TRANS notes in July and this bill may have an impact on that issuance. She asked to be on the record, as far as having the bond counsels' opinion in the record, that the amendment does not work and they would be willing to work with someone to allow the bonding program and the school contingency loan program to continue, if the Committee is interested.

EXHIBIT 5

REP. REAM asked **Ms. Miller** if there were two TRANS issues outstanding presently. **Ms. Miller** replied there was one issue outstanding. Every year that the state issues a TRANS issue, it must be paid off by June of the next year if issued in July. The current one is \$135 million and this year they are looking at a \$200 million TRANS issue.

REP. RANEY said everyone thinks the trust is enormous. He asked **Ms. Miller** if the Indian tribes have a probable lien against the trust. **Ms. Miller** said there are concerns about a litigation involving the tribes. She said there are other items that are funded by the trust, e.g., coal severance tax bond accounts, the coal severance tax loan contingency fund, the clean coal demonstration fund and the Treasure State Endowment Fund. Those funds are segregated so the actual figure would be closer than \$475 million.

Dave Woodgerd, counsel for the Department of Revenue (DOR), said in the latest negotiations with the tribes they are seeking approximately \$200 million plus interest.

Closing Statement By Sponsor:

REP. PAVLOVICH said the reason he included the maintenance for state-owned buildings was because the Veterans Home at Glendive

has been put on hold and will not be built. The funds were appropriated for that building and federal matching funds will be lost as well. The money appropriated for the Veterans Home is being proposed for maintenance of state buildings. He wants to see that home built. Future legislatures might break the whole permanent trust fund. He asked that this be put on the ballot to let the people decide. Amendments could be adopted to take care of the bonding concerns. It will take some money from the Treasure State Endowment but will put the money where it was intended to go in the first place, for future generations, and this is the future.

CHAIRMAN GILBERT REASSUMED THE CHAIR

EXECUTIVE ACTION ON SB 234

Motion: REP. REAM MOVED THAT SB 234 BE CONCURRED IN.

Motion: REP. REAM moved adoption of two amendments. One amendment would insert an immediate effective date. REP. REAM said the legislative branch should have access to tax information. They are not currently prohibited from obtaining the tax information but he felt they should have access upon request and wanted to make that clear. They would still be subject to the same restrictions.

Discussion: REP. FOSTER asked Dave Woodgerd how the DOR felt about the proposed amendments. Mr. Woodgerd said DOR does not have a problem with them. He said it was probably stated elsewhere in state law that the legislative auditor and the legislative fiscal analyst can look at settlements.

REP. DRISCOLL asked if this would conflict with REP. HARRINGTON'S 452. CHAIRMAN DRISCOLL said the difference was HB 452 deals with negotiated settlements and this bill deals with regular tax information, either personal or corporate. Mr. Woodgerd did not think the two bills would conflict.

Vote: Motion to amend as per the standing committee report carried unanimously.

Motion/Vote: REP. HARPER MOVED SB 234 BE CONCURRED IN AS AMENDED. Motion carried 18-2.

EXECUTIVE ACTION ON HB 360

Motion: REP. ELLIOTT MOVED HB 360 DO NOT PASS.

Discussion: REP. ELLIOTT discussed the proposed amendments EXHIBIT 6 and said the coal tax trust is similar to a life

insurance policy because it provides income to our children in perpetuity. He said we may, from time to time, enjoy the interest but we may not use the principal of the trust. Too much money has already been diverted from the trust. The interest on the trust does not compound or go back into the trust. If that was so, at 11% interest, the trust would be doubling every 5-6 years without any new money flowing in.

REP. DRISCOLL agreed with REP. ELLIOTT'S motion but not his comparison with life insurance, as he felt life insurance is probably the worst investment as far as return. He felt this was a bad bill.

Motion/Vote: REP. FOSTER MADE A SUBSTITUTE MOTION THAT HB 360 BE TABLED. Motion carried 19-1 with REP. HARRINGTON voting no.

EXECUTIVE ACTION ON HB 413

Motion: REP. MCCARTHY MOVED HB 413 DO PASS.

Motion: REP. RANEY moved adoption of the Montana-Dakota Utilities (MDU) proposed amendments.

Discussion: REP. RANEY said the bill directs that the funds allotted to the PSC be spent. If there are any funds left at the end of the year they are to be held over for the following year. He said Judy Rippingale, Deputy Director, Department of Revenue, approved the amendments.

REP. FOSTER said the Public Service Commission (PSC) had no problem with the amendments.

REP. DRISCOLL said without the amendments, the money reverts to the general fund, unless it is an earmarked account. This amounts to robbing the general fund again.

A lengthy discussion followed concerning the proposed amendments. REP. HARPER said the proposed amendments adjust the amount from year to year to make sure that more isn't charged than is necessary to run the PSC.

CHAIRMAN GILBERT said the title of the bill doesn't contain anything about setting up a special revenue account, but it is in the bill.

REP. RANEY withdrew his motion in order that the Committee be allowed to look at and discuss other proposed amendments.

Motion: REP. REAM moved adoption of the DOR proposed amendments. EXHIBIT 7

REP. REAM withdrew his motion to allow CHAIRMAN GILBERT to

propose an amendment.

VICE CHAIRMAN FOSTER ASSUMED THE CHAIR.

Motion: REP. GILBERT moved to amend page 5, lines 13-16 by striking the new underlined language and reinserting the stricken language.

Discussion:

REP. FOSTER said what the bill would do with the special account is different than most special revenue accounts. The PSC would still come before the Appropriations Committee and they would set the budget. He asked what would be lost by passing the bill.

REP. GILBERT said if the Appropriations Committee should decide not to fund the PSC fully, then neither the Appropriations Committee or the general fund could touch the remainder of the money. There is in excess of \$2 million per biennium earmarked for the PSC. That money has remained in the general fund over the last 10 years so this would earmark another \$2.5 million that couldn't be touched. That is the reason we need to keep general fund money out of special revenue accounts. He said three-fourths of the general fund money is tied up that way and can't be used. Once it is appropriated to those accounts, it is locked up. If there is excess revenue, it should go into the general fund.

REP. GILBERT said what the PSC really wanted in the bill is the language on page 3, lines 11-23, the method of determining the PSC and the Consumer Counsel fee. He said it also accelerates the quarterly reports.

REP. RANEY said he was opposed to the motion. If a fee is collected for a specific purpose, then it should be in a specific account for that purpose. If there is excess money because the fee is too high it would be carried over to the following year and reduce the amount the fees assessed. There is no increased spending authority for the PSC.

REP. ELLIOTT said REP. RANEY'S argument made sense. The object of the fee is to fund the PSC. If the fee brings in too much money, that money, without the MDU amendment, would revert to the general fund. REP. GILBERT said with his amendment all the money would go to the general fund and would be appropriated out by the Appropriations Committee. REP. ELLIOTT said if the excess went into the general fund there would be no incentive for the Legislature to reduce the fees. He resisted REP. GILBERT'S amendment.

REP. DRISCOLL said this would earmark the \$3.5 million per year for the PSC and consumer counsel. He objected to earmarking money. The money should be appropriated to the PSC and if there is any excess it remains in the general fund. If the MDU

amendment is adopted it can't ever be used.

REP. ELLIOTT said there are reasons to look at earmarking. He said the public understands mill levies which are earmarked funds.

REP. GILBERT said earmarking reduces accountability by state departments. They will simply increase the fees to raise more money and there will be no oversight. Three-fourths of the oversight on the general fund has already been given away. The departments should have to come in with their budgets, justify those budgets and get their appropriations. If the PSC was funded solely on fees, it could be feast one year and famine the next.

VICE CHAIRMAN FOSTER said, based on the points expressed by **REPS. DRISCOLL and GILBERT**, he was willing to let it sit for now and if it needs to be addressed again two years from now, okay. He said the remarks against earmarking were very strong.

REP. GILBERT said the fees are passed on to the customer and don't think for a minute the utilities are paying the fee. This bill has no affect on the utilities. They pay the fee and charge it to the customer. He said he would be more comfortable with the Legislature setting the fees than the PSC. Earmarking is bad. Every one of those special revenue accounts contribute to the deficit and that means more cuts from existing programs.

REP. McCAFFREE said he would abstain from voting as his wife is a member of the PSC.

Vote: Roll call vote was taken. Motion carried 14-5, with **REP. McCAFFREE** abstaining. **EXHIBIT 8**

CHAIRMAN GILBERT REASSUMED THE CHAIR

Motion: **REP. MCCARTHY** MOVED HB 413 DO PASS AS AMENDED.

Motion: **REP. REAM** moved adoption of the DOR amendments. **EXHIBIT 7**

Discussion: **CHAIRMAN GILBERT** asked **Mr. Woodgerd** to explain the amendments. **Mr. Woodgerd** replied they were technical amendments, the last and most important being the retroactive applicability. It states the bill would apply beginning this year so the fee set this year would be set under this bill rather than the old law. The other would make sure there were no loopholes in payments.

Vote: Motion carried unanimously to adopt DOR amendments.

REP. HARPER asked about the fiscal impact of the amendments. **CHAIRMAN GILBERT** said actually \$1,209,000 in FY 94 and \$2,292,000 in FY 95 would be lost to the general fund if the bill passed without the amendment because those are the current fees being

paid by utilities to the PSC and the Consumer Counsel and that money would no longer flow into the general fund, but into the special revenue account. The bill doesn't adjust the fees, it only accelerates the payments. He said the fees remain the same.

REP. FOSTER said the PSC and the Consumer Counsel answer to DOR, they cannot just decide to change their fees.

Vote: Motion that HB 413 **DO PASS AS AMENDED** carried unanimously with **REP. McCAFFREE** abstaining. **EXHIBIT 9.**

ADJOURNMENT

Adjournment: The meeting adjourned at 11:00 a.m.

Mike Foster, Vice-Chairman
BOB GILBERT, Chairman

Jill Rohyans
JILL ROHYANS, Secretary

These minutes were written by Louise Sullivan, edited and proofed for content by Jill Rohyans.

BG/jdr/lis

HOUSE OF REPRESENTATIVES

TAXATION

COMMITTEE

ROLL CALL

DATE

2/10/93

NAME	PRESENT	ABSENT	EXCUSED
REP. GILBERT, CHAIRMAN	✓		
REP. FOSTER	✓		
REP. HARRINGTON	✓		
REP. ANDERSON	✓		
REP. BOHLINGER	✓		
REP. DOLEZAL	✓		
REP. DRISCOLL	✓		
REP. ELLIOTT	✓		
REP. FELAND	✓		
REP. HANSON	✓		
REP. HARPER	✓		
REP. HIBBARD	✓		
REP. KELLER	✓		
REP. McCAFFREE	✓		
REP. MCCARTHY	✓		
REP. NELSON	✓		
REP. ORR	✓		
REP. RANEY	✓		
REP. REAM	✓		
REP. TUNBY	✓		

HOUSE STANDING COMMITTEE REPORT

February 10, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Taxation report that Senate Bill 234 (third reading copy -- blue) be concurred in as amended .

Signed: Bob Gilbert
Bob Gilbert, Chair

And, that such amendments read:

Carried by: Rep. Gilbert

1. Page 2.

Following: line 25

Insert: "(d) access to information under subsection (4); or
(e) the director of revenue from permitting a representative of the commissioner of internal revenue of the United States or a representative of a proper officer of any state imposing a tax on the income of a taxpayer to inspect the returns or reports of a corporation. The department may also furnish those persons abstracts of income, returns, and reports; information concerning any item in a return or report; and any item disclosed by an investigation of the income or return of a corporation. The director of revenue may not furnish that information to a person representing the United States or another state unless the United States or the other state grants substantially similar privileges to an officer of this state charged with the administration of this chapter.

(4) The department shall on request:"

2. Page 3, line 1.

Strike: "(d)"

Insert: "(a) allow"

3. Page 3, line 5.

Following: "(1);"

Insert: "and"

4. Page 3, line 6.

Strike: "(e) the delivery of"

Insert: "(b) deliver"

Committee Vote:

Yes/____, No ____.

3313215C.Rpf

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Page 2 of 2

5. Page 3, line 12 through page 4 line 1.

Strike: "; or" on page 3 line 12 through "chapter" on page 4,
line 1

6. Page 4, line 2.

Strike: "(4)"

Insert: "(5)"

-END-

HOUSE STANDING COMMITTEE REPORT

February 10, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Taxation report that House Bill 413 (first reading copy -- white) do pass as amended .

Signed: Bob Gilbert
Bob Gilbert, Chair

And, that such amendments read:

1. Title, line 7.

Following: "REVENUE;"

Strike: "AND"

2. Title, line 9.

Following: "MCA"

Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 14.

Page 6, line 3.

Following: "increased"

Insert: ", except as provided in 69-1-224(1)(c),"

4. Page 5, lines 13 and 14.

Strike: "an account in the state special revenue fund to the credit of the department"

Insert: "the general fund. All appropriations to the department must be paid from the general fund"

5. Page 7.

Following: line 10

Insert: "NEW SECTION. Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to revenue generated by regulated activity beginning after April 1, 1993.

NEW SECTION. Section 6. Effective Date. [This act] is effective on passage and approval."

-END-

Committee Vote:
Yes ☐ No ☐

331337SC.Hpf

EXHIBIT 8
DATE 2/10/93
HB HB 413

HOUSE OF REPRESENTATIVES

TAXATION COMMITTEE

ROLL CALL VOTE

DATE 2/10/93 BILL NO. HB 413 NUMBER _____

MOTION: By Gilbert to amend p. 5 lines 13-16.

NAME	AYE	NO
REP. FOSTER	✓	
REP. HARRINGTON	✓	
REP. ANDERSON	✓	
REP. BOHLINGER	✓	
REP. DOLEZAL		✓
REP. DRISCOLL	✓	
REP. ELLIOTT		✓
REP. FELAND	✓	
REP. HANSON	✓	
REP. HARPER		✓
REP. HIBBARD	✓	
REP. KELLER	✓	
REP. McCAFFREE	PASS	
REP. MCCARTHY	✓	
REP. NELSON	✓	
REP. ORR	✓	
REP. RANEY		✓
REP. REAM		✓
REP. TUNBY	✓	
REP. GILBERT	✓	

EXHIBIT 9
DATE 2/10/13
HB 413

HOUSE OF REPRESENTATIVES

TAXATION

COMMITTEE

ROLL CALL VOTE

DATE 2/10 BILL NO. _____ NUMBER _____

MOTION: HB 413 to Pass Be Amended

NAME	AYE	NO
REP. FOSTER	X	
REP. HARRINGTON	X	
REP. ANDERSON	X	
REP. BOHLINGER	X	
REP. DOLEZAL	X	
REP. DRISCOLL	X	
REP. ELLIOTT	X	
REP. FELAND	X	
REP. HANSON	X	
REP. HARPER	X	
REP. HIBBARD	X	
REP. KELLER	X	
REP. McCAFFREE	<i>made</i>	
REP. MCCARTHY	X	
REP. NELSON	X	
REP. ORR	X	
REP. RANEY	X	
REP. REAM	X	
REP. TUNBY	X	
REP. GILBERT	X	



FARMERS UNION CENTRAL EXCHANGE, INC.
P.O. Box 909, Laurel, Montana 59044

EXHIBIT 1DATE 2/10/93HB 436

HB 436

Testimony of R.E. Pletcher, Refinery Manager
CENEX, Laurel, Montana

As many of you know, CENEX is a regional farm cooperative which has, for fifty years, owned and operated the Laurel Refinery.

Although the authors may not have intended it, CENEX perceives this bill to be tax increase legislation in disguise. It severely limits the types of environmental projects eligible for favorable tax treatment. Contrary to the stated intent of the bill, it would not increase the use of air and water pollution control equipment.

By restricting the definition of air and water pollution equipment to that which is operated exclusively for pollutant control, the vast majority of worthwhile environmental projects could be left out. Seldom does an environmental project have such a narrow focus as to provide only one benefit, and, in fact, most pollutants are ultimately recovered as by-products. The production of by-products from pollutants or the recovery and recycle of materials which would otherwise become pollutants is the essence of current industrial environmental strategy and deserves to be treated and taxed as the original legislation intended. Coincidental non-environmental benefits should not be used to totally exclude a project from qualification.

Tying tax treatment to compliance also seems inappropriate, since compliance is an issue which should be, and is, dealt with in the construction and operating permit areas. Increasing taxable valuation based on episodes of non-compliance certainly doesn't encourage the installation of pollution control equipment, and is in conflict with the statement of intent.

Testimony of R.E. Pletcher, Refinery Manager
CENEX, Laurel, Montana
Page 2

CENEX has made a major financial commitment to reduce pollutant emissions at Laurel through the installation of an 80 million dollar desulfurizer. Yellowstone County has benefited economically and will benefit environmentally from this investment. Changes in existing law which increase our tax liability at the eleventh hour seem unfair and unjustified. Please vote against this bill.

Montana Department of Health and Environmental Sciences
Air Quality Bureau

Testimony on HB 436

Before the Taxation Committee : Presented by the
of the Montana House of : Air Quality
Representatives : Bureau, MDHES

A bill to clarify the definition for pollution control tax credit.

Background

In 1967, the Montana Legislature passed the Montana Clean Air Act establishing the framework to protect air quality in the state. A provision was added to this legislation to provide an incentive for industry to reduce air pollution emissions by giving special tax status to air pollution control equipment. Under the original legislation, the director of the Department of Health and Environmental Sciences (DHES) made the decision whether equipment, property or facilities were air pollution control subject to approval by the State Board of Equalization. The 1977 Legislature repealed this section of the Clean Air Act and moved the tax-related provisions to the Department of Revenue statutes. In 1979, the Legislature changed the statute so that decisions on what constituted air and water pollution control equipment, property or facilities were made by DHES and decisions on taxable value were made by the Department of Revenue. Appeals on classification were made to the Board of Health and Environmental Sciences and appeals on valuation to the State Tax Appeals Board (STAB). The language of the present Department of Revenue statute, 15-6-135 Class five

property, Sec. 2, reflects the 1979 changes which are currently in effect.

Current Law

MCA 15-6-135 specifies that Class five property for determining the taxable rate (percentage) will include air and water pollution control equipment. Air and water pollution control equipment are defined as "facilities, machinery or equipment used to reduce or control water or atmospheric pollution or contamination by removing, reducing, altering, disposing or storing pollutants, contaminants, wastes or heat." DHES is charged with determining if such utilization is being made. Our problem with the current statute is determining what qualifies as pollution control equipment when looking at "used" and "reduce or control." For example, should process equipment whose primary purpose is making a product receive Class five status because there is a side benefit of reducing air pollutants? Or, does the current definition mean that only add-on pollution control equipment qualifies? This difference in interpretation can have a major impact on revenues to local government.

Proposed Changes in HB 436

The proposed legislation provides more clarity on what qualifies as pollution control equipment. It also allows for rulemaking which will more fully define and characterize the equipment, machinery or property which can be classified as air or water pollution control equipment. The rules will also help to provide equal treatment of all applicants and streamline the DHES review process.

DHES would be pleased to address any questions from the committee.

EXHIBIT # 2
DATE 2-10-93
HB-436

Amendments to House Bill No. 495
First Reading Copy

Requested by Dept. of Revenue
For the Committee on Taxation

Prepared by Lee Heiman
February 9, 1993

The purpose of these amendments is to require that before a catered event is held local law enforcement must be notified and given an opportunity to review the type of event to be conducted. The amendments also require the posting of the approved application so that local law enforcement will know the event has been approved. The department shall provide the necessary applications for local law enforcement's use.

1. Title, line 7.

Following: "CONSUMPTION"

Insert: "; AND PROVIDING THAT EACH CATERED EVENT IS SUBJECT TO
PRIOR APPROVAL BY A LOCAL LAW ENFORCEMENT AGENCY"

2. Page 2, lines 2 through 4.

Following: "(4)" on line 2

Strike: the remainder of subsection (4) in its entirety

Insert: "(a) The application to conduct a catered event by any person licensed to sell beer or beer and wine with a catering endorsement must be presented 3 days in advance of the event to the local law enforcement agency that has jurisdiction over the premises where the catered event is to be held. The application must describe the location of the enclosure where the event is to be held, the nature of the event, the sponsor of the event, and the period when it is contemplated that the event will be held. The licensee shall send a copy of the completed application signed by the law enforcement agency to the department prior to the commencement of the event.

(b) The application signed by the local law enforcement agency must be posted by the licensee in a conspicuous place on the premises where the catered event is to be held."

3. Page 2.

Following: line 19

Insert: "(8) The printed applications required by subsection (4) must be provided at no cost to local law enforcement agencies by the department."



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FAX (406) 444-3036

EXHIBIT 4

DATE 2/10/93

HB 444

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Researchers
CONNIE ERICKSON
SUSAN FOX
TOM GOMEZ
SHERI S. HEFFELFINGER
JEFF MARTIN
ANDREA MERRILL

February 3, 1993

TO: Representative David Ewer
FROM: Connie Erickson *Connie Erickson*
RE: Information request

In response to your request for information on bonds backed by the coal tax trust fund, I have found the following information:

<u>Entity</u>	<u>Debt</u> <u>Authorized</u> (in millions)	<u>Debt</u> <u>Outstanding</u> (in millions)
Dept. of Natural Resources & Conservation(1)	\$250.0	\$ 65.425
Office of Public Instruction	\$ 25.0	\$ 23.5
Treasure State Endowment	\$ 10.0	-0-
Dept. of Administration (TRANS) (2)	\$135.6	\$135.6
Board of Investments	\$ 50.0	\$ 26.6
Health Facility Authority	<u>\$ 75.0</u>	<u>\$ 4.6</u>
TOTALS	\$545.6	\$255.725

As of 6/30/92, there was \$480,994,000 in the coal tax trust fund.

Memorandum

TO: Scott Seacat, and Jim Nelson

FROM: Wayne Kedish, and Vickie Murphy *W* *W*

DATE: February 5, 1993

Re: Coal Severance Tax distributions and House Bill 444 (93L37)

We were asked to calculate the effect on the General Fund if House Bill 444 passed. House Bill 444 would reduce the percentage of coal severance taxes that are paid into the Permanent Trust Fund from one-half to one-fourth.

The Coal Severance Tax Trust is comprised of the following funds.

1. Coal Severance Tax Bond Fund (Bond Fund)
2. Clean Coal Technology Demonstration Fund (Demonstration Fund)
3. Coal Severance Tax Permanent Fund (Permanent Fund)
4. Coal Severance Tax Income Fund (Not Currently Used)
5. Treasure State Endowment Fund (TSE)
6. Coal Severance Tax School Bond Contingency Loan Fund (School Bond Fund)

The distribution of Coal Severance Tax and its relationship to these funds is described on the attached flowchart. As you can see on the flowchart coal severance tax revenue is divided among various funds with bond collateral requirements. In the first spreadsheet attached, LEQ37A, I estimated the amount of money that would flow through the Trust Funds for fiscal years 1992-93 through 1996-97 under existing law. Estimates are based on data accumulated from the accounting records, fiscal notes, and conversations with personnel at the Department of Natural Resources and Conservation. It may change with new bond issues, new laws, or changes in the amount of tax collected. The second spreadsheet attached, LEQ37B, I estimated the amount of money that would flow through the Trust Funds under House Bill 444.

In order to determine the effect on the General Fund I created a third spreadsheet, LEQ37C. I did this spreadsheet with two scenarios. The first scenario is removing 50 percent of the Coal Severance Tax revenues that are currently going into the Trust Fund. The second scenario is taking 50 percent of the money available for the Permanent Fund after it is distributed to all the other funds in the Trust Fund.

We had a concern that reducing a portion of coal severance tax revenues from the Trust Fund would violate the Coal Severance Tax Bond Indentures. We reviewed the bond indentures with John Northey, OLA attorney, and determined House Bill 444 would not violate the indenture as long as the cash flow into the Trust Fund was sufficient to meet all collateral requirements. Based on current

EXHIBIT #4

DATE 2-10-93

HB-444

tax collections, the cash flow would be adequate.

Coal Severance Tax Trust Fund - Distribution of Coal Severance Tax assuming
25 percent of the Coal Severance Tax goes to the Trust Fund according to HB 444

	Fiscal Year 1992-93	Fiscal Year 1993-94	Fiscal Year 1994-95	Fiscal Year 1995-96	Fiscal Year 1996-97
1. Estimated Coal Severance Tax Collections	\$44,557,000	\$40,396,000	\$40,286,000	\$40,286,000	\$40,286,000
x 50% in FY 1992-93, 1993-94 and half of 1994-95 and 25% thereafter =					
2. Amount transferred to Coal Severance Tax Bond Fund	\$22,278,500	\$20,198,000	\$15,107,250	\$10,071,500	\$10,071,500
3. Amount needed for Coal Tax Bonds	\$1,311,741	\$1,300,000	\$800,000	\$1,300,000	\$800,000
4. Amount needed for School Contingency Bonds	\$1,279,033	\$1,500,000	\$30,000	\$30,000	\$30,000
5. Up to \$5 million transferred to Clean Coal Technology Demonstration Fund	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
6. Excess from previous year not transferred	\$5,246,436	\$19,934,162	\$0	\$0	\$0
7. Remaining excess to Treasure State Endowment	\$0	\$32,332,162	\$9,477,250	\$3,741,500	\$4,441,500
8. Amount transferred to Coal Tax Permanent Fund	\$0	\$0	\$16,166,081	\$4,738,625	\$1,870,750

ASSUMPTIONS/SOURCES:

- This information came from the fiscal note for HB380.
- The Coal Tax Trust Funds receive 50 percent of the Coal Severance Tax revenue in fiscal year 1992-93, 1993-94 and half of 1994-95. The remaining years the trust receives 25 percent of the Coal Severance Tax revenue. This revenue is deposited in the Coal Tax Bond Fund. We assumed tax collections in fiscal year 1994-95 are evenly spread throughout the year.

EXHIBIT #4
DATE 2-10-93
HB-444

quate.

Coal Severance Tax Trust Fund - Distribution of Coal Severance Tax
Under current law 50% of Coal Severance Taxes goes to the Trust Fund

	Fiscal Year 1992-93	Fiscal Year 1993-94	Fiscal Year 1994-95	Fiscal Year 1995-96	Fiscal Year 1996-97
1. Estimated Coal Severance Tax Collections	\$44,557,000	\$40,396,000	\$40,286,000	\$40,286,000	\$40,286,000
times 50 percent =					
2. Amount transferred to Coal Severance Tax Bond Fund	\$22,278,500	\$20,198,000	\$20,143,000	\$20,143,000	\$20,143,000
3. Amount needed for Coal Tax Bonds	\$1,311,741	\$1,300,000	\$600,000	\$1,300,000	\$600,000
4. Amount needed for School Contingency Bonds	\$1,279,033	\$1,500,000	\$30,000	\$30,000	\$30,000
5. Up to \$5 million transferred to Clean Coal Technology Demonstration Fund	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000	\$5,000,000
6. Excess from previous year not transferred	\$5,246,436	\$19,934,162	\$0	\$0	\$0
7. Remaining excess to Treasure State Endowment	\$0	\$32,332,162	\$14,513,000	\$13,813,000	\$14,513,000
8. Amount transferred to Coal Tax Permanent Fund	\$0	\$0	\$16,166,081	\$7,256,500	\$6,906,500

ASSUMPTIONS/SOURCES:

- This information came from the fiscal note for HB360.
- The Coal Tax Trust Funds receive 50 percent of the Coal Severance Tax revenue. This revenue is deposited in the Coal Tax Bond Fund.
- The amount calculated here is based on the following assumptions: FY1992-93 - This is the additional reserves needed for new bonds as well as the amount already transferred to cover bond payments; FY1993-94 - The state is planning on issuing additional Coal Tax Bonds during the Biennium. We placed the full amount in fiscal year 1993-94. We estimated the increase of collateral reserves and additional amount needed to make bond payments; and FY1994-95, and FY1996-97 - in the past a transfer of money has been needed to make bond payments. We estimated the amount the same as the past few years. Since the amount of bonds are increasing the amount of this payment may also increase.
FY1995-96 - Based on discussions with DNRC a new bond is issued every biennium. Based on this discussion, a new bond issue will most likely occur for the 96-97 biennium. We estimated the amount of issuance based on fiscal year 1993-94, although it could be more or less. We also assumed it would occur the first fiscal year of the biennium.
- DNRC stated an they are planning on an additional \$50 million of bond authorizations for School Bonds. The amount estimated here is based on existing bonds and the possibility of issuing \$50 million more in school bonds. The estimated increase is all assumed in fiscal year 1993-94, and is based on existing bond terms. This could change significantly. In each fiscal year thereafter we estimate the possible need of \$30,000 each year, since the bond payments increase by \$30,000 in fiscal year 1993-94. This may be larger with if additional bonds are issued.
- This is based on Section 17-5-703, MCA. As long as there is more than \$5 million the full amount will transfer.

6. As of January 1992, all excess money is held in the Coal Tax Bond Fund until July 1, 1993, at which point the full amount is transferred to the Treasure State Endowment Fund. This amount represents the balance in the Coal Severance Tax Bond Fund at the end of fiscal year 1991-92, and the amount estimated for fiscal year 1992-93. Note: This could change based on all the estimated factors above.

7. This is the amount available to be transferred to the Treasure State Endowment Fund based on the estimated numbers above.

8. State law requires 50 percent of the payments made to the Treasure State Endowment Fund in the previous fiscal year be transferred to the Permanent Trust Fund.

EXHIBIT #4

DATE 2-10-93

HB-444

Schedule of the impact of the following scenario:

Scenario 1 – 25 percent of the Coal Severance Tax revenue diverted as per HB444.

Scenario 2 – 50 percent of the money transferred to the Permanent Trust fund is diverted.

Scenario 1

	Fiscal Year 1994-95	Fiscal Year 1995-96	Fiscal Year 1996-97	Fiscal Year 1994-95	Fiscal Year 1995-96	Fiscal Year 1996-97
Funds available for State Building and Maintenance	\$5,035,750	\$10,071,500	\$10,071,500	\$8,083,041	\$3,628,250	\$3,453,250
Funds no longer available for the Treasure State Endowment Fund.	\$5,035,750	\$10,071,500	\$10,071,500	\$0	\$0	\$0
Funds no longer available for investment in the Permanent Trust Fund.	\$0	\$2,517,875	\$5,035,750	\$8,083,041	\$3,628,250	\$3,453,250

Impact of Investment Earnings:

Treasure State Endowment Fund – this fund is allowed to keep and reinvest its investment earnings. We do not know what the rate of return will be.

Permanent Trust Fund – Investment earnings from the Permanent Trust Fund is distributed 85% to the General Fund, and 15% to the State Equalization Aid Account. During fiscal year 1991-92 the Permanent Trust Fund earned a 9.67% return on its investments. If the funds no longer available for investment into the Permanent Fund were invested at the current interest rate the following amounts would be earned annually:

Scenario 1

	First Year	Second Year	Third Year	First Year	Second Year	Third Year
Current year investments no longer available for investment	\$0	\$2,517,875	\$5,035,750	\$8,083,041	\$3,628,250	\$3,453,250
Accumulated Investments no longer available for investment	\$0	\$2,517,875	\$7,553,625	\$8,083,041	\$11,711,291	\$15,164,541
Rate	9.67%	9.67%	9.67%	9.67%	9.67%	9.67%
Investment Earnings	\$0	\$243,479	\$730,436	\$781,630	\$1,132,482	\$1,466,411
General Fund share (85%)	\$0	\$206,957	\$620,870	\$664,386	\$962,610	\$1,246,449
State Equalization Aid Account (15%)	\$0	\$36,522	\$109,565	\$117,245	\$169,872	\$219,962

Because HB444 does not specify where investment earnings will go, interest earnings from funds in the State Building and Maintenance Account would go to the General Fund. This could offset a portion of the interest not earned on the Permanent Fund.

DATE 2-10-93
HB-444
#4

50 Percent
of Coal
Severance
Taxes

Coal Tax Bond Fund
(must maintain collateral reserves for coal tax bonds)

School Bond Contingency Loan Fund
(must maintain collateral reserves for
school bonds - after 1/92)

Clean Coal Technology Demonstration
Fund (receives up to \$5,000,000
annually - starting July 1, 1991)

One time transfer
of \$25 million
July 1, 1991

Remaining Excess

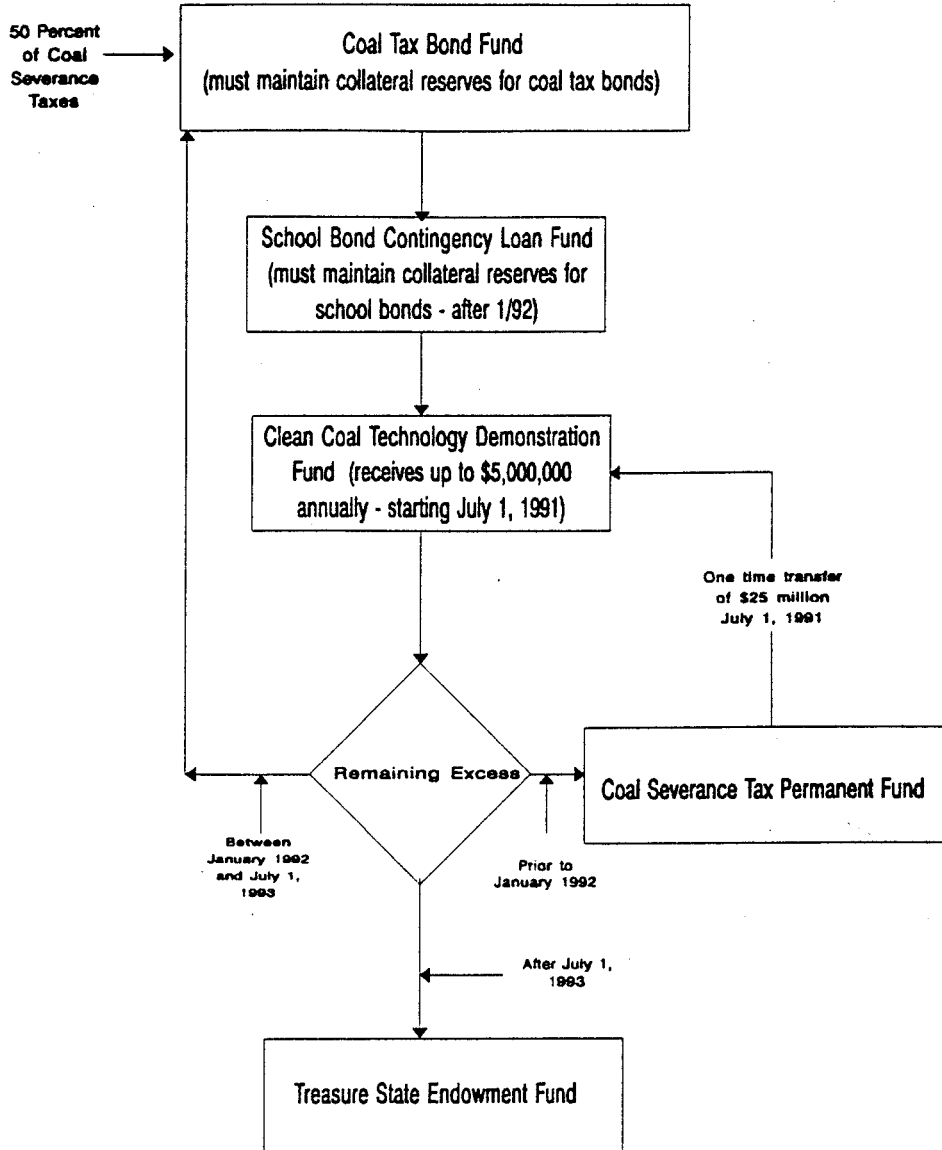
Coal Severance Tax Permanent Fund

Between
January 1992
and July 1,
1993

Prior to
January 1992

After July 1,
1993

Treasure State Endowment Fund



ds)

One time transfer
of \$25 million
July 1, 1991

Severance Tax Permanent Fund

EXHIBIT 5
 DATE 2/10/93
 HB 444

DORSEY & WHITNEY

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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MAE NAN ELLINGSON

MEMORANDUM

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36, RUE TRINCHET
 75009 PARIS, FRANCE
 33-1-42-06-59-49

25 SQUARE DE MERUS
 B-1040 BRUSSELS, BELGIUM
 32-2-504.46.11

TO: Anna Miller

FROM: Mae Nan Ellingson

DATE: February 10, 1993

RE: House Bill 444

VIA FACSIMILE

As we understand it, HB 444, if approved by the electors as a constitutional amendment, would result in a reduction in the amount of coal severance taxes deposited in the coal severance tax bond fund by 50%. As written, the legislation has implications not only for outstanding bonds, but also for the coal severance tax bond program in the future. As you recall, under Section 17-5-709, the amount of coal severance tax bonds that can be issued is tied to the annual deposits to the coal severance tax bond fund.

Again, as with HB 360, if there is a desire to pursue the intent of this amendment, it would be better drafted to accommodate the coal severance tax bond program, presumably both with respect to the outstanding bonds and future programs. The latter assumes that the State wants to keep the program in tact.

With respect to the comment that Greg Petesch raised regarding our concern about HB 360, it might be helpful for you to explain to the Committee, that it is not the coal severance tax trust fund that is pledged to the repayment of the bonds. If it were, given the amount of bonds currently outstanding and the current balance in the trust fund, it would not present a problem to bondholders to divert money going into the permanent fund. Under the provisions of Section 17-5-705, only the money in the coal severance tax bond fund is pledged to the payment of the bonds. That was done in order to avoid having the entire coal severance tax trust fund deeded to be a debt service account or a reserve account, which would have resulted in the entire corpus of the trust having to be invested at a yield no greater

DORSEY & WHITNEY

Anna Miller
February 10, 1993
Page 2

than the yield on the bonds. That, of course, would have been a terrible result for the State and the trust fund.

So, as with all of these bills that attempt to either cap the trust or divert revenues for some other purpose, an effort should be made to have the money at least flow through the trust fund bond account as specified in Section 17-5-703.

I hope this is helpful. Please let us know, if we can provide further assistance.

Dictated, but not proofed

EXHIBIT 6
DATE 3/10/93
HB 360

Amendments to House Bill No. 360
First Reading Copy

Requested by Representative Bachini
For the Committee on

Prepared by Greg Petesch
February 3, 1993

1. Page 1, line 17.

Strike: "Coal"

Insert: "Except for collections obligated to the payment of debt
payable from the trust fund, coal"

Rep. Bachini,

*This will alleviate my concerns
over bond repayment.*

Lug

Amendments to House Bill No. 413
First Reading Copy

EXHIBIT 7
DATE 2/10/93
HB 413

Requested by Dept. of Revenue

For the Committee on Taxation

Prepared by Lee Heiman
February 9, 1993

1. Title, line 7.
Following: "REVENUE;"
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING A RETROACTIVE APPLICABILITY AND AN
IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 14.
Page 6, line 3.
Following: "increased"
Insert: ", except as provided in 69-1-224(1)(c),"

4. Page 5, lines 13 and 14.
Strike: "an account in the state special revenue fund to the
credit of the department"
Insert: "the general fund. All appropriations to the department
must be paid from the general fund"

5. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 5. Retroactive applicability.
[This act] applies retroactively, within the meaning of 1-2-
109, to revenue generated by regulated activity beginning
after April 1, 1993.
NEW SECTION. Section 6. Effective Date. [This act]
is effective on passage and approval."

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

HB 418
HB 436
HB 444
HB 495

HOUSE TAXATION

COMMITTEE

BILL NO.

DATE 2/10/93 SPONSOR(S) BROWN, NELSON, PAULOVICH, ELLIOT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
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Ted Dong	ASARCO; Billings Genom-Har; Colstrip Energy, Ltd.		436
Kennex Rexelsen	Self		HB 444
MIKE DETOMU	VILLAGELIN PITTA	—	495
Mike Mathew	Yellowstone Co.	436	
John Fitzpatrick	Pegasus Gold Corp		Amend 436
Don Walden	mt Rural Ed Assoc.	444	
Ken Williams	MPC/Entech		436
Pauss Ritta	Wash Corp		436
Jon Allen	MT. Land Prod. Ass		436
Todd Mitchell	College Coalition	444	444
John McCarthy	Univ. of MT.	444	444
Danna Smith	MSU	444	

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