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EXHIBIT 9
DATE 4-1-09
SB 244

MEMORANDUM

To: House Tax Committee
From: Holly Franz on behalf of MSCPA
Date: April 1, 2009
Re: SB 244

This memo addresses two matters. First, at the hearing on SB 244, MSCPA suggested an amendment to page 2, line 12. This amendment was suggested due to a concern that eliminating this language could be interpreted as legislative intent against the current Department of Revenue rule, ARM 42.3.115. After further discussion with the Department of Revenue, MSCPA agrees that current law found at 15-1-206 establishes the legislative intent for this rule. As a result, no amendment is needed.

Second, Rep. McAlpin asked for information regarding penalties in the surrounding states. Since Wyoming, South Dakota, and Washington do not have an income tax, they are excluded from this review. The penalties and interest provisions in the surrounding states compare to SB 244 as follows:

Late payment penalty:

- Current MT law: 1.2% a month not to exceed 12% of tax due
- SB 244: 0.5% a month not to exceed 12% of tax due
- Idaho: 0.5% for each month with total penalties not to exceed 25% of tax due (63-3046(c)(2) and (g))
- North Dakota: 5% of tax due or \$5, whichever is greater (57-38-45(2)(a))
- Oregon: 5% of tax due (314.400(1))

Late payment interest:

- Current MT law: federal short term rate plus 3% or 8%, whichever is greater
- SB 244: federal short term rate plus 3%
- Idaho: midterm federal rate plus 2% (63-3045(6)(c))
- North Dakota: 12% per annum (57-38-45)
- Oregon: 5/6th of 1% per month (305.220)

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EXHIBIT 10
DATE 4-1-09
~~SB~~ HJ 32

House Joint Resolution 32
April 1, 2009
Presented by Chas Van Genderen
House Taxation Committee

Mr. Chairman and committee members, for the record I am Chas Van Genderen, Acting Administrator for the Parks Division of Montana Department of Fish, Wildlife & Parks (FWP).

FWP rises in support of HJ 32. Heritage parks and resources are an important part of the Montana State Park system. Of the 53 state parks, we have 19 that are primarily cultural sites. These include seven National Historic Landmarks and nine National Register sites. These are places of incredible significance like Rosebud Battlefield in SE Montana, Pictograph Cave near Billings and Travelers' Rest in Lolo.

These sites are important to Montana and help define who we, as a people, are. They tell the story on our landscape and through our artifacts. We have done a good job of saying "Yes" to preserving places like Fort Owen, First People's Buffalo Jump, and Anaconda Stack as state parks. As a park system, however, we are struggling to fund day-to-day operations and maintenance. One approach we are using is to be more business-like while generating more revenues and to avoid asking for general fund monies. Heritage parks have not traditionally been good revenue generators. It is a challenge.

FWP has recently renewed our focus on working together with the Montana Historical Society and The Montana Heritage Commission to improve management. This resolution may help us further identify efficiencies, new approaches and ultimately better management on behalf of our citizens. FWP urges a do pass on HJ 32.