

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on April 14, 2007 upon adjournment, in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Jim Elliott, Chairman (D)
Sen. Jerry W. Black (R)
Sen. Jeff Essmann (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Dan Harrington (D)
Sen. Christine Kaufmann (D)
Sen. Sam Kitzenberg (D)
Sen. Jim Peterson (R)
Sen. Bob Story Jr. (R)

Members Excused: Sen. Trudi Schmidt (D)

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Lois O'Connor, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: HB 798, HB 240, HB 559, HB 564, HB 637, HB 644, HB 746, hb 801, HB 826, SJ-31

00:05:20

EXECUTIVE ACTION ON HB 79800:07:10 **Motion:** SEN. GILLAN moved that HB 798 BE CONCURRED IN.**Discussion:**00:07:24 **Motion:** SEN. GILLAN moved to amend HB 798 with amendment #HB079801.ALH.**EXHIBIT (tas79b01)****Discussion:**

00:09:16 Sen. Dan Harrington to Sen. Gillan

00:11:25 Sen. Kelly Gebhardt to Sen. Gillan

00:12:43 Sen. Jim Peterson

00:12:57 **Vote:** Motion that amendment #HB079801.ALH be approved carried unanimously by voice vote.00:13:06 **Motion:** SEN. GILLAN moved to further amend HB 798 with amendment #HB079803.ATE.**EXHIBIT (tas79b02)****Discussion:**

00:13:37 Sen. Robert Story

00:14:14 **Substitute Motion/Vote:** SEN. GILLAN made a substitute motion to amend HB 798 with a CONCEPTUAL AMENDMENT. Substitute motion carried unanimously by voice vote.00:15:23 **Motion/Vote:** SEN. GILLAN moved to further amend HB 798 with amendment #HB079802.ATE. Motion carried unanimously by voice vote.**EXHIBIT (tas79b03)**00:16:14 **Motion:** SEN. GILLAN moved that HB 798 BE CONCURRED IN AS AMENDED.

Discussion:

00:16:29 Sen. Gillan

00:17:32 Sen. Kaufmann to Sen. Gillan

00:18:15 Sen. Jeff Essmann

00:18:30 Sen. Gebhardt

00:18:39 Sen. Harrington

00:18:59 Sen. Kaufmann

00:19:24 Sen. Elliott

00:21:44 Sen. Peterson

00:23:00 Sen. Gebhardt

00:23:59 Sen. Gillan

00:24:46 Sen. Story

00:26:51 **Vote:** Motion that HB 798 BE CONCURRED IN AS AMENDED carried 7-3 by roll call vote with SEN. ELLIOTT, SEN. HARRINGTON, and SEN. KAUFMANN voting no. SEN. BLACK voted aye by proxy. SEN. SCHMIDT was excused.

EXECUTIVE ACTION ON HB 240

00:28:09 **Motion:** SEN. ELLIOTT moved that HB 240 BE CONCURRED IN.

00:28:43 **Motion:** SEN. ELLIOTT moved to amend HB 240 with amendment #HB024001.ALH.

EXHIBIT (tas79b04)**Discussion:**

00:29:49 Sen. Essmann

00:30:20 Sen. Kaufmann

00:30:37 **Vote:** Motion that amendment #HB024001.ALH be approved carried unanimously by voice vote.

00:30:47 **Motion/Vote:** SEN. ELLIOTT moved that HB 240 BE CONCURRED IN AS AMENDED. Motion carried unanimously by voice vote. SEN. BLACK and SEN. SCHMIDT were excused. SEN. ELLIOTT will carry the bill.

EXECUTIVE ACTION ON HB 559

00:33:25 **Motion:** SEN. GEBHARDT moved that HB 559 BE CONCURRED IN.

00:33:38 **Motion:** SEN. ELLIOTT moved to amend HB 559 with amendment #HB055901.AGP.

[EXHIBIT \(tas79b05\)](#)

[EXHIBIT \(tas79b06\)](#)

Discussion:

00:34:22 Sen. Story

00:35:06 Sen. Harrington

00:35:11 **Substitute Motion/Vote:** SEN. ELLIOTT made a substitute motion that HB 559 BE TABLED. Substitute motion carried 8-2 by voice vote with SEN. GEBHARDT voting no. SEN. BLACK voted no by proxy. SEN. SCHMIDT was excused.

EXECUTIVE ACTION ON HB 564

00:36:29 **Motion:** SEN. ESSMANN moved that HB 564 BE CONCURRED IN AS AMENDED.

Discussion:

00:36:43 Sen. Gebhardt

00:37:26 **Motion:** SEN. ELLIOTT moved to further amend HB 564 with amendment #HB056401.AGP.

[EXHIBIT \(tas79b07\)](#)

Discussion:

00:37:55 Sen. Story

00:39:20 Sen. Harrington to Sen. Story

00:39:58 Sen. Gebhardt

00:40:09 Sen. Story

00:40:41 **SEN. ELLIOTT** withdrew the motion on amendment
#HB056401.AGP.

00:40:54 **Motion/Vote:** **SEN. HARRINGTON** moved that **HB 564** BE
TABLED. Motion carried 6-5 by roll call vote with **SEN.**
BLACK, SEN. ESSMANN, SEN. GEBHARDT, SEN. KITZENBERG,
and **SEN. PETERSON** voting no. **SEN. BLACK** voted no by
proxy. **SEN. SCHMIDT** voted aye by proxy.

EXECUTIVE ACTION ON HB 637

00:42:37 **Motion:** **SEN. GEBHARDT** moved that **HB 637** BE CONCURRED
IN.

00:42:54 **Motion:** **SEN. GEBHARDT** moved to amend **HB 637** with
amendment **#HB063701.ALH.**

EXHIBIT (tas79b08)

Discussion:

00:44:06 Sen. Story

00:45:22 **Vote:** Motion that **#HB063701.ALH** be approved failed 1-8
by voice vote with **SEN. GEBHARDT** voting aye. **SEN. BLACK**
and **SEN. SCHMIDT** were excused.

Discussion:

00:46:08 Sen. Peterson

EXHIBIT (tas79b09)

00:47:53 Sen. Story to Sen. Elliott

00:48:47 Sen. Gebhardt

00:49:49 Sen. Elliott

- 00:50:08 **Vote:** Motion that HB 637 BE CONCURRED IN failed 4-7 by roll call vote with SEN. BLACK, SEN. GEBHARDT, SEN. HARRINGTON, and SEN. KITZENBERG voting aye. SEN. BLACK voted aye by proxy. SEN. SCHMIDT voted no by proxy.
- 00:51:35 **Motion:** SEN. HARRINGTON moved that HB 637 BE TABLED AND THE VOTE REVERSED. SEN. BLACK voted no by proxy. SEN. SCHMIDT voted aye by proxy.

EXECUTIVE ACTION ON HB 644

Discussion:

- 00:52:44 Dan Bucks, Director, Montana Department of Revenue (DOR)

EXHIBIT (tas79b10)

- 00:57:31 **Motion/Vote:** SEN. KITZENBERG moved that HB 644 BE TABLED. Motion carried 6-5 by voice vote with SEN. BLACK, SEN. ESSMANN, SEN. GEBHARDT, SEN. PETERSON, and SEN. STORY voting no. SEN. BLACK voted no by proxy. SEN. SCHMIDT voted aye by proxy.

EXECUTIVE ACTION ON HB 746

- 00:58:52 **Motion:** SEN. GILLAN moved that HB 746 BE CONCURRED IN.

Discussion:

- 00:59:19 Sen. Gillan
- 01:00:44 Sen. Elliott

- 01:00:52 **Substitute Motion/Vote:** SEN. HARRINGTON moved a substitute motion that SB 746 BE TABLED. Motion failed 4-6 by roll call vote with SEN. ELLIOTT, SEN. ESSMANN, SEN. HARRINGTON, and SEN. KAUFMANN voting aye. SEN. BLACK was excused.
- 01:02:33 **Motion:** SEN. GEBHARDT moved to amend HB 746 with a CONCEPTUAL AMENDMENT.

Discussion:

01:02:44 Sen. Story

01:04:50 **SEN. GEBHARDT withdrew the CONCEPTUAL AMENDMENT.**

Discussion:

01:05:04 Sen. Elliott

01:06:08 Sen. Essmann

01:07:18 Sen. Peterson

01:08:21 Sen. Kaufmann

01:08:54 Sen. Elliott

01:09:30 **Vote: Motion that HB 746 BE CONCURRED IN failed 4-6 by roll call vote with SEN. GEBHARDT, SEN. GILLAN, SEN. KITZENBERG, and SEN. PETERSON voting aye. SEN. SCHMIDT voted no by proxy. SEN. BLACK was excused.**

01:10:34 **Motion/Vote: SEN. GEBHARDT moved that HB 746 BE TABLED AND THE VOTE REVERSED.**

EXECUTIVE ACTION ON HB 801

01:11:14 **Motion/Vote: SEN. HARRINGTON moved that HB 801 BE TABLED. Motion carried unanimously by voice vote. SEN. BLACK and SEN. SCHMIDT were excused.**

EXECUTIVE ACTION ON HB 826

01:12:38 **Motion: SEN. GEBHARDT moved that HB 826 BE CONCURRED IN.**

01:13:05 **Motion: SEN. GEBHARDT moved to amend HB 826 with amendment #HB082601.ALH.**

EXHIBIT (tas79b11)

Discussion:

01:13:58 Sen. Gillan

01:14:25 Sen. Gebhardt

01:14:32 Sen. Story

01:15:56 **Vote: Motion #HB082601.ALH carried unanimously by voice vote.**

01:16:07 **Motion: SEN. GEBHARDT moved that HB 826 BE CONCURRED IN AS AMENDED.**

Discussion:

01:16:53 Sen. Elliott

01:19:23 Sen. Peterson

01:19:54 Sen. Story

01:22:28 Sen. Peterson

01:23:49 Sen. Story

01:24:41 Sen. Harrington

01:24:52 **Vote: Motion that HB 826 BE CONCURRED IN AS AMENDED carried 6-5 by roll call vote with SEN. ELLIOTT, SEN. HARRINGTON, SEN. KAUFMANN, SEN. KITZENBERG, and SEN. SCHMIDT voting no. SEN. SCHMIDT voted no by proxy. SEN. BLACK voted aye by proxy.**

EXECUTIVE ACTION ON SJ 31

01:26:27 **Motion/Vote: SEN. ESSMANN moved that SJ 31 BE ADOPTED. Motion carried unanimously by voice vote. SEN. BLACK and SEN. SCHMIDT vote aye by proxy.**

ADJOURNMENT

Adjournment: 3:15 P.M.

SEN. JIM ELLIOTT, Chairman

LOIS O'CONNOR, Secretary

JE/lo

Additional Exhibits:

EXHIBIT ([tas79bad.pdf](#))