

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chairman Jeff Essmann, on February 4, 2009 at 8:00 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Essmann, Chairman (R)
Sen. Taylor Brown, Vice Chairman (R)
Sen. Jerry W. Black (R)
Sen. Gary Branae (D)
Sen. Ron Erickson (D)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Bradley Hamlett (D)
Sen. Christine Kaufmann (D)
Sen. Bob Story Jr. (R)
Sen. Bruce Tutvedt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Branch
Debra Polhemus, 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: SB 129, 1/28/2009; SB 244,
1/17/2009

Executive Action: SB 211 ~ TABLED
COMMITTEE BILL (Sections 8 - 14
of SB 128)

HEARING ON SB 244

Opening Statement by Sponsor:

00:00:28 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 244, Taxpayer fairness act.

[EXHIBIT\(tas26a01\)](#)

[EXHIBIT\(tas26a02\)](#)

Proponents' Testimony:

00:09:01 Holly Franz, representing the Montana Society of CPAs

00:10:20 Krystal Stewart, CPA, Anderson ZurMuehlen (AZ), Helena
also representing the Montana Society of CPAs

[EXHIBIT\(tas26a03\)](#)

Opponents' Testimony:

[EXHIBIT\(tas26a04\)](#)

Written testimony provided by David Ewer, Budget
Director, Budget and Program Planning, Office of the
Governor

00:16:00 C. A. Daw, Chief Legal Counsel, Department of Revenue
(DOR)

00:18:26 Brian Olsen, DOR

Informational Testimony: None

Questions from Committee Members and Responses:

00:21:00 Sen. Tutvedt

00:21:37 Krystal Stewart, AZ

00:23:32 Sen. Erickson

00:24:08 C. A. Daw, DOR

00:24:26 Sen. Story

00:24:55 Sen. Balyeat

00:28:40 Sen. Gillan

00:29:14 Sen. Balyeat

00:31:31 Sen. Gillan

00:31:44 Brian Olsen, DOR

00:33:36 Sen. Story

00:34:04 Brian Olsen

00:34:22 Sen. Erickson

00:35:19 C. A. Daw

00:35:39 Sen. Erickson

00:35:59 Sen. Story

00:37:16 Brian Olsen

00:37:44 Chairman Essmann

Closing by Sponsor:

00:38:01 Sen. Balyeat

00:44:59 Recess

00:49:52 Reconvene

HEARING ON SB 129

Opening Statement by Sponsor:

00:50:03 Sen. Dave Lewis (R), SD 42, opened the hearing on
SB 129, Fire management easement program.

Proponents' Testimony:

00:54:11 Glenn Marx, Executive Director, Montana Association of
Land Trusts (MALT)

EXHIBIT(tas26a05)

01:00:15 Linda Stoll, representing Missoula County

01:03:38 Richard Grady, Canyon Creek resident

EXHIBIT(tas26a06)

01:07:43 David Russell, Owner, Bush Fire and Homestead Resource
Management, Belgrade

EXHIBIT(tas26a07)

01:14:08 Janet Ellis, Montana Audubon Society

Opponents' Testimony: None

Informational Testimony:

01:15:32 Bob Harrington, Administrator, Department of Natural
Resources and Conservation (DNRC), Forestry Division

Questions from Committee Members and Responses:

01:17:45 Sen. Gebhardt

01:18:43 Bob Harrington, DNRC

01:20:09 Sen. Gebhardt

01:21:43 Glenn Marx, MALT

01:23:51 Sen. Hamlett

01:26:08 Glenn Marx

01:27:11 Sen. Erickson

01:28:09 Sen. Lewis

01:29:13 Glenn Marx

01:31:04 Sen. Tutvedt

01:31:43 David Russell

01:33:43 Sen. Gebhardt

Questions from Committee Members and Responses: (Con't)

01:34:19 Glenn Marx
 01:36:28 Sen. Story
 01:36:43 Glenn Marx
 01:43:11 Sen. Story
 01:43:49 Glenn Marx
 01:46:00 Sen. Story
 01:46:20 Sen. Lewis
 01:49:15 Sen. Brown
 01:50:22 Sen. Lewis
 01:53:06 Sen. Brown
 01:54:10 Sen. Lewis
 01:54:56 Sen. Black
 01:55:39 Sen. Lewis
 01:58:11 Sen. Tutvedt
 01:58:37 Sen. Lewis
 02:01:28 Glenn Marx

 02:02:36 Sen. Gillan left the hearing.

02:04:16 Sen. Hamlett
 02:05:21 Glenn Marx
 02:06:33 Sen. Story
 02:07:32 Glenn Marx
 02:11:37 Chairman Essmann
 02:12:05 Sen. Lewis
 02:14:42 Chairman Essmann
 02:15:58 Glenn Marx

Closing by Sponsor:

02:19:51 Sen. Lewis

 02:23:28 Sen. Story left the hearing.

 02:23:53 Recess

 02:36:16 Reconvene ~ Senators Gillan, Brown and Story were
 excused.

EXECUTIVE ACTION ON COMMITTEE BILL

(Sections 8 - 14 of SB 128)

02:36:54 **Motion:** Sen. Branae moved to **FORM A COMMITTEE BILL FROM SECTIONS 8 THROUGH 14 OF SB 128.**

Discussion:

02:37:54 Sen. Branae
02:39:22 Sen. Tutvedt
02:40:08 Sen. Branae
02:40:17 Sen. Gebhardt
02:40:35 Sen. Tutvedt
02:40:54 Chairman Essmann
02:41:12 Sen. Kaufmann

02:41:57 **Vote:** Motion carried unanimously by roll call vote with Sens. Brown, Gillan and Story voting by proxy.

EXECUTIVE ACTION ON SB 211

02:43:00 **Motion:** Sen. Erickson moved that **SB 211 DO PASS.**

02:43:16 **Motion:** Sen. Erickson moved that **SB 211 BE AMENDED. EXHIBIT (tas26a08)**

Discussion:

02:43:51 Lee Heiman, Legislative Services Director (LSD)
02:45:23 **Vote:** Motion carried unanimously by voice vote with Sens. Brown, Gillan and Story voting by proxy.

02:46:06 **Motion:** Sen. Erickson moved that **SB 211 DO PASS AS AMENDED.**

02:46:21 **Motion:** Sen. Erickson moved that **SB 211 BE AMENDED. EXHIBIT (tas26a09)**

Discussion:

02:46:34 Lee Heiman, LSD
02:46:54 **Vote:** Motion carried unanimously by voice vote with Sens. Brown, Gillan and Story voting by proxy.
02:47:20 **Motion:** Sen. Erickson moved that **211 DO PASS AS AMENDED.**

Discussion:

02:47:42 Sen. Tutvedt
02:48:22 Sen. Erickson
02:49:00 Sen. Gebhardt
02:49:36 Chairman Essmann
02:50:50 Sen. Kaufmann
02:51:57 Sen. Erickson
02:53:04 Sen. Hamlett
02:53:36 Chairman Essmann
02:53:45 Sen. Tutvedt
02:54:40 Sen. Black

02:55:45 **Vote:** Motion failed 5-6 by roll call vote with Sens. Branae, Erickson, Gillan, Hamlett, and Kaufmann voting aye and Sens. Brown, Gillan and Story voting by proxy.

02:56:45 Without objection from the Committee, Sen. Gebhardt requested the vote be reversed and the bill tabled.

Committee Business:

02:56:56 Sen. Kaufmann
02:57:19 Sen. Tutvedt
02:57:29 Lee Heiman

ADJOURNMENT

Adjournment: 11:00 A.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([tas26aad.pdf](#))