

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chairman Jeff Essmann, on March 12, 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. Bruce Tutvedt (R)

Members Excused: Sen. Bob Story Jr. (R)

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: None

Executive Action: SB 304 ~ TABLED SB 419 ~ TABLED
SB 455 ~ TABLED HB 24 ~ DO CONCUR
HB 163 ~ DO CONCUR
HB 21 ~ PARTIAL ACTION
SB 456 ~ HELD IN COMMITTEE
SB 418 ~ HELD IN COMMITTEE

Committee Business:

00:00:07 Chairman Essmann

EXECUTIVE ACTION ON HB 21

00:02:49 **Motion:** Sen. Tutvedt moved that **HB 21 BE CONCURRED IN.**

Discussion:

00:03:16 Sen. Brown
00:03:30 Sen. Kaufmann
00:04:16 Sen. Tutvedt
00:04:54 Sen. Brown
00:05:05 Sen. Black
00:05:25 Sen. Kaufmann
00:05:33 Sen. Brown
00:05:51 Sen. Erickson
00:06:04 Chairman Erickson
00:06:13 Sen. Kaufmann

00:06:20 Without objection from committee, Chairman Essmann requested that further action be postponed pending receipt of additional information.

EXECUTIVE ACTION ON HB 24

00:06:33 **Motion:** Sen. Tutvedt moved that **HB 24 BE CONCURRED IN.**

Discussion:

00:06:48 Sen. Tutvedt
00:07:03 Sen. Kaufmann
00:07:10 Chairman Essmann
00:07:28 Lee Heiman, Legislative Services Division (LSD)
00:07:48 Chairman Essmann
00:07:56 Lee Heiman, LSD

00:08:07 **Vote:** Motion carried unanimously by voice vote of those present and voting. Sen. Kaufmann will carry HB 24.

EXECUTIVE ACTION ON HB 163

00:09:22 **Motion:** Sen. Brown moved that **HB 163 BE CONCURRED IN.**

Discussion:

00:09:31 Sen. Erickson
00:09:47 Sen. Brown
00:10:30 Sen. Gillan
00:11:00 Sen. Black
00:11:21 Chairman Essmann

00:11:36 **Vote:** Motion carried 7-4 by roll call vote with Sens. Essmann, Gebhardt, Kaufmann, and Story voting no and Sen. Story voting by proxy. Sen. Gillan will carry HB 163.

EXECUTIVE ACTION ON SB 304

00:13:13 **Motion:** Sen. Tutvedt moved that **SB 304 DO PASS.**

Discussion:

00:13:54 Lee Heiman, LSD
[EXHIBIT \(tas55a01\)](#)
00:14:38 Sen. Kaufmann
00:14:56 Lee Heiman

00:15:22 **Motion:** Sen. Gebhardt moved that **SB 304 BE AMENDED.**
(See Exhibit 1)

Discussion:

00:15:31 Sen. Erickson
00:16:11 Chairman Essmann
00:16:28 Sen. Brown
00:16:38 Sen. Gebhardt
00:17:14 Sen. Gillan
00:17:44 Chairman Essmann
00:18:08 Sen. Gebhardt
00:18:18 Sen. Gillan
00:18:31 Sen. Kaufmann
00:18:44 Lee Heiman
00:19:17 Sen. Brown
00:20:21 Sen. Gillan
00:20:38 Chairman Essmann

00:20:44 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:20:59 **Motion:** Sen. Black moved that **SB 304 DO PASS AS AMENDED.**

Discussion:

00:21:13 Sen. Tutvedt
00:21:38 Sen. Brown
00:22:01 Sen. Erickson
00:22:58 Sen. Black
00:23:39 Sen. Gebhardt

00:24:05 **Vote:** Motion failed 3-7 by roll call vote of those present and voting with Sens. Erickson, Hamlett, and Kaufmann voting aye.

00:25:36 Without objection from the committee, Chairman Essmann requested that the bill be tabled and the vote reversed.

EXECUTIVE ACTION ON SB 418

00:26:11 **Motion:** Sen. Branae moved that **SB 418 DO PASS.**

Discussion:

00:26:20 Sen. Branae
00:28:15 Sen. Gebhardt

00:28:39 **Motion:** Sen. Gebhardt moved that **SB 418 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to remove Section 3 from the bill.

Discussion:

00:29:16 Sen. Erickson
00:29:27 Chairman Essmann

00:29:49 **Vote:** Motion carried 9-1 by voice vote of those present and voting with Sen. Kaufmann voting no.

00:29:59 **Motion:** Sen. Gebhardt moved that **SB 418 DO PASS AS AMENDED.**

00:30:12 **Motion:** Sen. Tutvedt moved that **SB 418 BE AMENDED WITH A CONCEPTUAL AMENDMENT** that contains a contingent voidance provision upon passage and approval of HB 261.

Discussion:

00:31:12 Sen. Kaufmann
 00:31:20 Chairman Essmann
 00:32:37 Sen. Tutvedt
 00:33:16 Sen. Kaufmann
 00:33:45 Chairman Essmann
 00:34:05 Sen. Erickson
 00:35:35 Chairman Essmann
 00:36:00 Sen. Brown
 00:36:16 Sen. Kaufmann
 00:36:25 Sen. Brown
 00:36:49 Chairman Essmann
 00:36:58 Sen. Gebhardt
 00:37:11 Chairman Essmann

00:37:20 **Vote:** Motion carried 6-5 by roll call vote with Sens. Branae, Erickson, Gillan, Hamlett, and Kaufmann voting no and Sen. Story voting by proxy.

00:38:11 **Motion:** Sen. Gebhardt moved that **SB 418 DO PASS AS AMENDED.**

Discussion:

00:38:21 Sen. Gillan
 00:39:04 Sen. Erickson
 00:39:33 Chairman Essmann

00:39:41 **Vote:** Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 419

00:40:39 **Motion:** Sen. Erickson moved that **SB 419 DO PASS.**

00:41:14 **Motion:** Sen. Erickson moved that **SB 419 BE AMENDED.**
EXHIBIT (tas55a02)

Discussion:

00:41:23 Lee Heiman
 00:45:31 Sen. Gebhardt
 00:45:55 Lee Heiman

00:46:47 Sen. Kaufmann left the committee meeting.

Discussion: (Con't)

00:47:05 Chairman Essmann
 00:48:05 Lee Heiman
 00:48:34 Chairman Essmann
 00:48:41 Sen. Gillan
 00:49:26 Sen. Gebhardt
 00:51:20 Chairman Essmann

00:51:50 **Vote:** Motion carried 9-1 by voice vote with Sen. Kaufmann voting no by proxy and Sen. Story abstaining from vote.

00:52:23 **Motion:** Sen. Gebhardt moved that **SB 419 DO PASS AS AMENDED.**

Discussion:

00:52:33 Sen. Tutvedt
 00:53:08 Sen. Erickson
 00:53:48 Sen. Gillan
 00:55:07 Sen. Brown
 00:55:31 Sen. Black

00:55:49 **Vote:** Motion failed 2-8 by roll call vote with Sens. Essmann and Gebhardt voting aye, Sen. Kaufmann voting by proxy and Sen. Story abstaining from vote.

00:56:30 Without objection from the Committee, Chairman Essmann requested that the bill be tabled and the vote reversed.

00:57:27 Sen. Gillan left the committee meeting.

EXECUTIVE ACTION ON SB 455

00:58:00 Lee Heiman
[**EXHIBIT**](#)(tas55a03)

00:58:30 **Motion:** Sen. Tutvedt moved that **SB 455 DO PASS.**

00:58:40 **Motion:** Sen. Tutvedt moved that **SB 455 BE AMENDED.**

Discussion:

00:58:55 Sen. Tutvedt

00:59:38 Sen. Tutvedt withdrew motion **SB 455 BE AMENDED.**

01:00:10 **Motion:** Sen. Gebhardt moved that **SB 455 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to change 2% to 10%.

Discussion:

01:01:10 Lee Heiman
01:01:18 Sen. Gebhardt

01:02:31 **Substitute Motion/Vote:** Sen. Erickson made a substitute motion that **SB 455 BE TABLED**. Substitute motion carried 9-1 by roll call vote with Sen. Gebhardt voting no, Sens. Gillan and Kaufmann voting by proxy and Sen. Story abstaining from vote.

EXECUTIVE ACTION ON SB 456

01:03:47 **Motion:** Sen. Erickson moved that **SB 456 DO PASS**.

Discussion:

01:04:11 Sen. Erickson
01:04:33 Sen. Kaufmann returned to the committee meeting.
01:04:40 Sen. Tutvedt
01:05:17 Sen. Brown
01:05:49 Sen. Black
01:06:13 Sen. Erickson
01:07:26 **Substitute Motion/Vote:** Sen. Gebhardt made a substitute motion that **SB 456 BE TABLED**. Substitute motion failed 5-5 by roll call vote with Sens. Black, Brown, Essmann, Gebhardt, and Tutvedt voting aye, Sen. Gillan voting by proxy and Sen. Story abstaining from vote. Further committee action is pending.

EXECUTIVE ACTION ON SB 418

01:11:44 **Motion:** Sen. Erickson moved to **RECONSIDER PREVIOUS EXECUTIVE ACTION ON SB 418**.

Discussion:

01:12:40 Sen. Erickson
01:13:12 Chairman Essmann
01:13:21 Sen. Brown

01:13:27 **Vote:** Motion carried unanimously by voice vote with Sen. Gillan voting by proxy and Sen. Story abstaining from vote.

01:14:07 **Motion:** Sen. Erickson moved that **SB 418 DO PASS.**

Discussion:

01:14:27 Sen. Gebhardt

01:14:53 Sen. Erickson withdrew motion **SB 418 DO PASS.**

Discussion:

01:15:08 Sen. Tutvedt

01:15:16 Chairman Essmann

Committee Business:

01:15:28 Sen. Gebhardt

01:16:01 Chairman Essmann

01:16:31 Sen. Gebhardt

01:16:51 Sen. Black

ADJOURNMENT

Adjournment: 9:20 A.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([tas55aad.pdf](#))