

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Mike Miller, on March 13, 2015 at 9:00 A.M., in Room 152 Capitol

#### ROLL CALL

**Members Present:**

Rep. Mike Miller, Chair (R)  
Rep. Greg Hertz, Vice Chair (R)  
Rep. Kathleen Williams, Vice Chair (D)  
Rep. Zach Brown (D)  
Rep. Rob Cook (R)  
Rep. Geraldine Custer (R)  
Rep. Kelly Flynn (R)  
Rep. Tom Jacobson (D)  
Rep. Steve Lavin (R)  
Rep. Ed Lieser (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Albert Olszewski (R)  
Rep. Lee Randall (R)  
Rep. Alan Redfield (R)  
Rep. Nicholas Schwaderer (R)  
Rep. Bridget Smith (D)  
Rep. Kerry White (R)  
Rep. Nancy Wilson (D)

**Members Excused:**

Rep. Daniel Zolnikov (R)  
Rep. Mary Ann Dunwell (D)

**Members Absent:** None

**Staff Present:** Megan Moore, Legislative Branch  
Erica Siate, 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:**

Executive Action on: HB 277; HB 323; HB 341; HB 404; HB 420; HB 511; SB 122; HB 591; SB 170; SB 190

00:00:01 Chair Miller  
00:02:37 Rep. Williams  
00:03:09 Chair Miller  
00:03:12 Megan Moore, Legislative Services Division (LSD)  
00:04:01 Rep. Williams

### **EXECUTIVE ACTION ON HB 277**

00:04:27 **Motion:** Rep. Hertz moved that **HB 277 DO PASS.**

#### **Discussion:**

00:04:49 Rep. Williams  
00:05:29 Chair Miller  
00:05:35 Megan Moore, Legislative Services Division (LSD)  
00:06:00 Chair Miller

00:06:18 **Motion:** Rep. Olszewski moved that **HB 277 BE CONCEPTUALLY AMENDED AND THAT IN LINE 16 AFTER THE WORD "THAN" THE NUMBER "4" BE STRUCK AND "5" INSERTED.**

#### **Discussion:**

00:06:37 Chair Miller  
00:06:40 Megan Moore  
00:07:25 Chair Miller  
00:07:33 Rep. Williams  
00:08:25 Rep. Olszewski  
00:08:31 Rep. Williams

00:08:55 Without objection, Rep. Olszewski withdrew the **CONCEPTUAL AMENDMENT** motion.

00:09:13 Without objection, Rep. Hertz withdrew the **DO PASS** motion.

00:09:25 Chair Miller

### **EXECUTIVE ACTION ON HB 323**

00:10:01 **Motion:** Rep. Jacobson moved that **HB 323 DO PASS.**

#### **Discussion:**

00:10:42 Chair Miller

00:10:48 **Vote:** Motion failed 8-12 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. B. Smith, Rep. Williams and Rep. Wilson voting aye. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:12:19 **Motion/Vote:** Rep. Hertz moved that **HB 323 BE TABLED**. Motion carried 17-1 by voice vote with Rep. Williams voting no. Rep. Dunwell and Rep. Zolnikov were excused.

### EXECUTIVE ACTION ON HB 341

00:12:49 **Motion:** Rep. Hertz moved that **HB 341 DO PASS**.

00:13:21 **Motion:** Rep. Hertz moved that **HB 341 BE AMENDED**.  
[EXHIBIT\(tah52a01\)](#)

#### Discussion:

00:13:46 Megan Moore, Legislative Services Division (LSD)

00:14:06 Rep. Hertz

00:14:39 **Vote:** Motion carried unanimously by voice vote. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:15:03 **Motion:** Rep. Hertz moved that **HB 341 DO PASS AS AMENDED**.

00:15:16 **Motion:** Rep. Hertz moved that **HB 341 BE AMENDED**.  
[EXHIBIT\(tah52a02\)](#)

#### Discussion:

00:15:40 Megan Moore, LSD

00:17:42 Rep. Z. Brown

00:18:03 Megan Moore, LSD

00:18:36 Rep. Z. Brown

00:18:53 Rep. White

00:19:14 Rep. Hertz

00:19:41 Megan Moore, LSD

00:20:21 **Vote:** Motion carried unanimously by voice vote. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:20:39 **Motion:** Rep. Hertz moved that **HB 341 DO PASS AS AMENDED**.

#### Discussion:

00:20:54 Rep. Z. Brown

00:21:45 Chair Miller

00:21:58 **Vote:** Motion carried 15-5 by voice vote with Rep. Flynn, Rep. Olszewski, Rep. Redfield, Rep. Schwaderer and Rep. Zolnikov voting no. Rep. Dunwell and Rep. Zolnikov voted by proxy.

**EXECUTIVE ACTION ON HB 404**

00:23:04 **Motion:** Rep. Hertz moved that **HB 404 DO PASS.**

00:23:39 **Motion:** Rep. Hertz moved that **HB 404 BE AMENDED.**  
**EXHIBIT(tah52a03)**

**Discussion:**

00:23:53 Megan Moore, Legislative Services Division (LSD)

00:24:05 Chair Miller

00:24:33 Rep. Williams

00:25:04 Rep. Schwaderer

00:25:55 **Vote:** Motion failed 5-15 by roll call vote with Rep. Flynn, Rep. Hertz, Rep. Lavin, Rep. Miller and Rep. Zolnikov voting aye. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:26:55 **Motion:** Rep. Hertz moved that **HB 404 DO PASS.**

00:27:16 **Substitute Motion/Vote:** Rep. Cook made a substitute motion that **HB 404 BE TABLED.** Substitute Motion carried 18-0 by voice vote. Rep. Dunwell and Rep. Zolnikov were excused.

00:28:21 Chair Miller

00:28:27 Rep. McClafferty

**EXECUTIVE ACTION ON HB 511**

00:28:58 **Motion:** Rep. Hertz moved that **HB 511 DO PASS.**

**Discussion:**

00:29:27 Rep. McClafferty

00:30:42 Rep. Hertz

00:31:21 Rep. Williams

00:32:02 **Vote:** Motion failed 7-13 by roll call vote with Rep. Flynn, Rep. Hertz, Rep. Lavin, Rep. Miller, Rep. Olszewski, Rep. Randall and Rep. Schwaderer voting aye. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:34:03 **Motion/Vote:** Rep. Hertz moved that **HB 511 BE TABLED.** Motion carried 18-0 by voice vote. Rep. Dunwell and Rep. Zolnikov were excused.

**EXECUTIVE ACTION ON HB 591**

00:34:44 **Motion:** Rep. Hertz moved that **HB 591 DO PASS.**

**Discussion:**

00:34:48 Chair Miller

00:34:52 Rep. Cook  
00:35:26 Rep. Williams  
00:36:38 Rep. Schwaderer

00:37:13 **Vote:** Motion failed 7-13 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. Williams and Rep. Wilson voting aye. Rep. Dunwell and Rep. Zolnikov voted by proxy.

00:38:34 **Motion/Vote:** Rep. Hertz moved that **HB 591 BE TABLED**. Motion carried 18-0 by voice vote. Rep. Dunwell and Rep. Zolnikov were excused.

00:40:00 Chair Miller

00:40:35 Recess

01:02:28 Chair Miller  
01:02:29 Rep. Dunwell entered the meeting.  
01:02:28 Chair Miller

#### **EXECUTIVE ACTION ON HB 277**

01:02:37 **Motion:** Rep. Hertz moved that **HB 277 DO PASS**.

01:03:00 **Motion/Vote:** Rep. Hertz moved that **HB 277 BE AMENDED**. Motion carried 19-1 by voice vote with Rep. Schwaderer voting no. Rep. Randall and Rep. Zolnikov voted by proxy.

#### **EXHIBIT(tah52a04)**

01:03:57 **Motion:** Rep. Hertz moved that **HB 277 DO PASS AS AMENDED**.

#### **Discussion:**

01:04:05 Rep. Flynn  
01:04:31 Rep. Williams

01:04:41 **Vote:** Motion carried 14-6 by roll call vote with Rep. Hertz, Rep. Randall, Rep. Redfield, Rep. Schwaderer, Rep. White and Rep. Zolnikov voting no. Rep. Randall and Rep. Zolnikov voted by proxy.

#### **EXECUTIVE ACTION ON HB 420**

01:06:07 **Motion:** Rep. Dunwell moved that **HB 420 DO PASS**.

01:06:34 **Motion:** Rep. Dunwell moved that **HB 420 BE AMENDED**.

#### **EXHIBIT(tah52a05)**

#### **Discussion:**

01:06:47 Megan Moore, Legislative Services Division (LSD)  
01:07:18 Chair Miller

- 01:07:23 Rep. Dunwell
- 01:07:42 **Vote:** Motion carried 11-9 by roll call vote with Rep. Cook, Rep. Custer, Rep. Flynn, Rep. Hertz, Rep. Lavin, Rep. Olszewski, Rep. Randall, Rep. White and Rep. Zolnikov voting no. Rep. Randall and Rep. Zolnikov voted by proxy.
- 01:09:18 **Motion:** Rep. Dunwell moved that **HB 420 DO PASS AS AMENDED.**

**Discussion:**

- 01:09:31 Rep. Wilson
- 01:09:55 Rep. Jacobson
- 01:10:13 **Vote:** Motion failed 7-13 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. Williams and Rep. Wilson voting aye. Rep. Randall and Rep. Zolnikov voted by proxy.
- 01:12:16 Rep. Dunwell
- 01:12:19 **Motion/Vote:** Rep. Flynn moved that **HB 420 BE TABLED.** Motion carried unanimously by voice vote. Rep. Randall and Rep. Zolnikov were excused.

**EXECUTIVE ACTION ON SB 92**

- 01:12:38 **Motion:** Rep. Hertz moved that **SB 92 BE CONCURRED IN.**

**Discussion:**

- 01:13:06 Chair Miller
- 01:13:25 **Motion:** Rep. Hertz moved that **SB 92 BE AMENDED.**  
[EXHIBIT\(tah52a06\)](#)

**Discussion:**

- 01:14:21 Rep. White
- 01:14:45 **Vote:** Motion carried unanimously by voice vote. Rep. Randall and Rep. Zolnikov voted by proxy.
- 01:15:07 Chair Miller

**EXECUTIVE ACTION ON SB 122**

- 01:16:04 **Motion:** Rep. Hertz moved that **SB 122 BE CONCURRED IN.**
- 01:16:19 **Motion:** Rep. Custer moved that **SB 122 BE AMENDED.**  
[EXHIBIT\(tah52a07\)](#)

**Discussion:**

- 01:16:30 Megan Moore  
01:17:03 Rep. Williams
- 01:17:08 **Vote:** Motion carried unanimously by voice vote. Rep. Randall and Rep. Zolnikov voted by proxy.
- 01:17:25 **Motion:** Rep. Hertz moved that **SB 122 BE CONCURRED IN AS AMENDED.**

**Discussion:**

- 01:17:36 Rep. Olszewski  
01:18:13 Rep. Cook  
01:19:31 Rep. Flynn  
01:19:41 Rep. Schwaderer  
01:20:03 Rep. Hertz  
01:20:58 Rep. Lieser  
01:21:19 Rep. Jacobson  
01:21:35 Rep. Smith left the meeting.  
01:22:38 Rep. Z. Brown  
01:23:13 Chair Miller
- 01:25:25 **Vote:** Motion carried 13-7 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. Williams and Rep. Wilson voting no. Rep. Randall, Rep. Smith and Rep. Zolnikov voted by proxy. Rep. White will carry the bill.
- 01:25:39 Chair Miller

**EXECUTIVE ACTION ON SB 170**

- 01:26:03 **Motion:** Rep. Hertz moved that **SB 170 BE CONCURRED IN.**

**Discussion:**

- 01:26:18 Chair Miller  
01:26:39 Rep. Z. Brown  
01:27:20 Chair Miller  
01:27:58 Megan Moore, Legislative Services Division (LSD)
- 01:28:36 **Vote:** Motion failed 8-12 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. B. Smith, Rep. Williams and Rep. Wilson voting aye. Rep. Randall, Rep. Smith and Rep. Zolnikov voted by proxy.
- 01:30:04 **Motion/Vote:** Rep. Hertz moved that **SB 170 BE TABLED.** Motion carried 16-1 by voice vote with Rep. Dunwell voting no. Rep. Randall, Rep. Smith and Rep. Zolnikov were excused.
- 01:30:56 Chair Miller

**EXECUTIVE ACTION ON SB 190**

01:31:23 **Motion:** Rep. Hertz moved that **SB 190 BE CONCURRED IN.**

01:31:41 **Motion:** Rep. Hertz moved that **SB 190 BE AMENDED.**  
**EXHIBIT(tah52a08)**

**Discussion:**

01:32:01 Megan Moore, Legislative Services Division (LSD)

01:32:53 Chair Miller

01:32:59 Rep. Williams

01:33:23 Chair Miller

01:34:08 Rep. Jacobson

01:35:58 Chair Miller

01:36:07 Rep. Jacobson

01:36:39 Chair Miller

01:36:50 Rep. Olszewski

01:37:23 Rep. Hertz

01:38:05 **Vote:** Motion failed 9-11 by roll call vote with Rep. Brown, Rep. Cook, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. B. Smith, Rep. Williams and Rep. Wilson voting aye. Rep. Randall, Rep. Smith and Rep. Zolnikov voted by proxy.

01:39:50 **Motion:** Rep. Hertz moved that **SB 190 BE AMENDED.**  
**EXHIBIT(tah52a09)**

**Discussion:**

01:40:36 Rep. Olszewski

01:40:48 **Vote:** Motion failed 9-11 by roll call vote with Rep. Brown, Rep. Cook, Rep. Dunwell, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. B. Smith, Rep. Williams and Rep. Wilson voting aye. Rep. Randall, Rep. Smith and Rep. Zolnikov voted by proxy.

01:42:13 **Motion:** Rep. Hertz moved that **SB 190 BE CONCURRED IN.**

**Discussion:**

01:42:33 Chair Miller

01:42:50 Rep. Lieser

01:44:39 Rep. Jacobson

01:45:06 Rep. Williams

01:45:21 Rep. Olszewski

01:45:37 Chair Miller

01:45:53 Rep. Olszewski

01:46:11 Chair Miller

01:46:34 Rep. Williams

01:47:07 Chair Miller

01:47:20 Rep. Jacobson

01:47:33 Chair Miller

01:48:52 Rep. Williams

01:49:17 Chair Miller

01:49:50 **Vote:** Motion failed 4-16 by roll call vote with Rep. Brown, Rep. Dunwell, Rep. Lieser and Rep. B. Smith voting aye. Rep. Randall, Rep. Smith and Rep. Zolnikov voted by proxy.

01:51:42 **Motion/Vote:** Rep. Hertz moved that **SB 190 BE TABLED**. Motion carried 17-0 by voice vote. Rep. Randall, Rep. Smith and Rep. Zolnikov were excused.

**ADJOURNMENT**

Adjournment: 01:52:33

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Erica Siate, Secretary

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Additional Documents:

**EXHIBIT([tah52aad.pdf](#))**