

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chair Bruce Tutvedt, on March 26, 2015 at 8:00 AM, in Room 405 Capitol

ROLL CALL

Members Present:

- Sen. Bruce Tutvedt, Chair (R)
- Sen. Fred Thomas, Vice Chair (R) (arrived after roll call)
- Sen. Duane Ankney (R)
- Sen. Dick Barrett (D)
- Sen. Taylor Brown (R)
- Sen. Jill Cohenour (D) (arrived after roll call)
- Sen. Brian Hoven (R)
- Sen. Christine Kaufmann (D)
- Sen. Sue Malek (D)
- Sen. JP Pomnichowski (D)
- Sen. Janna Taylor (R)

Members Excused: Sen. Mark Blasdel (R)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
Julie Ward, 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 413, 3/24/2015

Executive Action: SB 407, HB 228 SB 413

HEARING ON SB 413**Opening Statement by Sponsor:**

00:00:05 Sen. Elsie Arntzen (R), SD 26, opened the hearing on SB 413, Create informal small claims division within the state tax appeal board.

[EXHIBIT\(tas63a01\)](#)

[EXHIBIT\(tas63a02\)](#)

[EXHIBIT\(tas63a03\)](#)

00:00:23 Sen. Thomas and Sen. Cohenour entered the hearing.

Proponents' Testimony:

00:11:26 James Wangerin, Montana Society of Certified Public Accountants

[EXHIBIT\(tas63a04\)](#)

00:21:32 Holly Franz, Montana Society of Certified Public Accountants

00:27:32 Bob Story, Montana Taxpayers Association (MONTAX)

Opponents' Testimony:

00:28:50 Bruce Spencer, State Bar Association (SBA)

Informational Testimony:

00:33:37 Dave McAlpin, Montana Tax Appeal Board (MTAB)

00:38:04 Dan Whyte, Department of Revenue (DOR)

Questions from Committee Members and Responses:

00:41:33 Sen. Brown

00:42:03 Mr. McAlpin, MTAB

00:42:37 Sen. Barrett

00:43:01 Mr. McAlpin

00:43:42 Sen. Taylor

00:43:56 Mr. McAlpin

00:44:26 Sen. Hoven

00:44:50 Mr. McAlpin

00:45:25 Chairman Tutvedt

00:45:42 Sen. Kaufmann

00:46:04 Mr. McAlpin

00:46:30 Sen. Kaufmann

00:46:49 Chairman Tutvedt

00:49:41 Mr. Whyte, DOR

00:49:53 Chairman Tutvedt

00:51:10 Mr. Story, MONTAX

00:53:09 Chairman Tutvedt

00:53:52 Sen. Cohenour
00:54:17 Sen. Barrett left the hearing.
00:55:24 Mr. Whyte
00:58:06 Sen. Cohenour
01:00:41 Mr. McAlpin
01:01:24 Sen. Thomas left the hearing.
01:01:35 Sen. Cohenour
01:01:44 Mr. Whyte
01:03:27 Sen. Pomnichowski
01:08:03 Mr. McAlpin
01:08:21 Chairman Tutvedt
01:08:45 Mr. McAlpin
01:09:14 Chairman Tutvedt
01:10:09 Sen. Hoven
01:11:53 Mr. McAlpin

Closing by Sponsor:

01:12:09 Sen. Arntzen
01:15:19 Mr. Whyte
01:15:28 Sen. Arntzen

EXECUTIVE ACTION ON SB 407

01:17:14 Chairman Tutvedt
01:17:26 Sen. Pomnichowski
01:17:50 Sen. Brown

01:17:52 **Motion:** Sen. T. Brown moved that **SB 407 DO PASS.**

01:18:06 **Substitute Motion/Vote:** Sen. Pomnichowski made a substitute motion that **SB 407 BE TABLED.** Substitute Motion carried 9-2 by roll call vote with Sen. T. Brown and Sen. Thomas voting no. Sen. Barrett and Sen. Thomas voted by proxy. Sen. Blasdel was excused.

EXECUTIVE ACTION ON HB 228

01:19:42 Sen. Cohenour
01:19:49 Chairman Tutvedt

01:20:32 **Motion:** Sen. Ankney moved that **HB 228 DO PASS.**

Discussion:

01:21:28 Sen. Malek
01:24:51 Sen. Ankney
01:26:11 Sen. Brown
01:27:19 Sen. Hoven
01:27:41 Chairman Tutvedt

01:28:14 Sen. Cohenour
01:31:37 Sen. Ankney
01:32:19 Sen. Cohenour
01:32:41 Jaret Coles, Legislative Services Division (LSD)
01:33:05 Sen. Kaufmann
01:34:04 Mr. Coles, LSD
01:34:32 Nick Brown, Legislative Fiscal Division (LFD)
01:35:02 Sen. Taylor
01:35:12 Mr. Brown, LFD
01:35:30 Sen. Brown
01:36:10 Chairman Tutvedt
01:36:23 Mr. Brown
01:36:31 Sen. Cohenour
01:37:04 Sen. Malek
01:38:21 Sen. Brown
01:38:55 Sen. Ankney

01:39:38 **Vote:** Motion carried 7-5 by roll call vote with Sen. Di. Barrett, Sen. Cohenour, Sen. Kaufmann, Sen. Malek and Sen. Pomnichowski voting no. Sen. Barrett, Sen. Blasdel and Sen. Thomas voted by proxy. Sen. Tutvedt will carry the bill.

EXECUTIVE ACTION ON SB 413

01:41:30 Sen. Brown
01:41:35 Jaret Coles, Legislative Services Division (LSD)
EXHIBIT(tas63a05)

01:43:08 Chairman Tutvedt
01:43:35 Sen. Brown

01:44:04 **Motion:** Sen. T. Brown moved that **SB 413 DO PASS.**

Discussion:

01:44:43 Sen. Taylor
01:44:45 Chairman Tutvedt
01:44:46 Mr. Coles, LSD
01:46:58 Chairman Tutvedt

01:47:05 **Motion/Vote:** Sen. Hoven moved that **SB 413 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.

01:47:15 Mr. Coles
EXHIBIT(tas63a06)

01:47:50 **Motion:** Sen. T. Brown moved that **SB 413 BE AMENDED.**

Discussion:

01:48:00 Sen. Kaufmann

01:48:31 Sen. Brown

01:48:53 Sen. Hoven

01:49:04 **Vote:** Motion carried 7-5 by roll call vote with Sen. Di. Barrett, Sen. Cohenour, Sen. Kaufmann, Sen. Malek and Sen. Pomnichowski voting no. Sen. Barrett, Sen. Blasdel and Sen. Thomas voted by proxy.

01:50:14 Mr. Coles

01:50:25 **Motion:** Sen. Hoven moved that **SB 413 BE AMENDED.**
[EXHIBIT\(tas63a07\)](#)

Discussion:

01:50:38 Sen. Taylor

01:50:49 Mr. Coles

01:51:17 Sen. Ankney

01:51:46 Sen. Kaufmann

01:52:03 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:52:25 Mr. Coles

[EXHIBIT\(tas63a08\)](#)

01:53:03 **Motion:** Sen Brown moved that **SB 413 BE AMENDED.**

Discussion:

01:53:09 Sen. Pomnichowski

01:53:27 Mr. Coles

01:54:28 Sen. Pomnichowski

01:55:06 Chairman Tutvedt

01:55:22 Sen. Pomnichowski

01:55:56 Sen. Brown

01:56:16 Mr. Coles

01:57:07 Sen. Hoven

01:57:36 Sen. Pomnichowski

01:57:53 Holly Franz, Montana Society of Certified Public Accountants

01:58:27 Sen. Brown

01:58:35 Sen. Pomnichowski

01:59:05 Chairman Tutvedt

01:59:22 Sen. Cohenour

02:00:05 Sen. Taylor

02:00:44 Mr. Coles

02:01:14 Sen. Pomnichowski

02:02:00 Sen. Brown

02:02:33 Mr. Coles

02:02:52 **Substitute Motion:** Sen. Brown made a substitute motion that **SB 413 BE AMENDED CONCEPTUALLY.**

02:03:22 Mr. Coles

02:03:57 **Vote:** Motion carried 9-0 by voice vote. Sen. Barrett, Sen. Blasdel and Sen. Thomas were excused.

02:04:14 **Motion:** Sen. Ankney moved that **SB 413 DO PASS AS AMENDED.**

Discussion:

02:04:27 Sen. Hoven

02:05:07 Sen. Brown

02:05:45 Sen. Pomnichowski

02:07:49 Sen. Kaufmann

02:09:27 Sen. Taylor

02:10:32 **Vote:** Motion failed 6-6 by roll call vote with Sen. Ankney, Sen. Blasdel, Sen. T. Brown, Sen. Hoven, Sen. Thomas and Sen. Tutvedt voting aye. Sen. Barrett, Sen. Blasdel and Sen. Thomas voted by proxy.

02:11:51 Chairman Tutvedt

ADJOURNMENT

Adjournment: 10:16 A.M.

Julie Ward, Secretary

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Additional Documents:

EXHIBIT([tas63aad.pdf](#))