

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: Chair Roger Webb, on March 27, 2019 at 8:00 AM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Roger Webb, Chair (R)
Sen. Dick Barrett, Vice Chair (D)
Sen. Brian Hoven, Vice Chair (R)
Sen. Mark Blasdel (R)
Sen. Jill Cohenour (D)
Sen. Bruce Gillespie (R)
Sen. Edith (Edie) McClafferty (D)
Sen. Mike Phillips (D)
Sen. JP Pomnichowski (D)
Sen. Tom Richmond (R)
Sen. Russel (Russ) Tempel (R)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
Charlene Devine, 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: HB 514, 3/19/2019

Executive Action: HB 514, Be Concurred In As Amended; SB 266, Do Pass As Amended; SB 265, Do Pass As Amended; SB 342, Be Tabled; SB 339, Tie Vote, remains in committee; SB 322, Amended only

08:04:15 Chair Webb

Sen. Blasdel left the hearing.

HEARING ON HB 514

Opening Statement by Sponsor:

08:05:15 Rep. Kimberly Dudik (D), HD 94, opened the hearing on HB 514, Provide for check the box election on informal property tax appeals.

[EXHIBIT\(tas63a01\)](#)

08:05:42 Sen. Gillespie entered the hearing.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony:

08:08:11 Gordy Conn, Department of Revenue (DOR)

Questions from Committee Members and Responses:

08:10:21 Sen. Hoven
08:12:18 Mr. Conn, DOR
08:12:50 Sen. Gillespie
08:12:59 Sen. Barrett
08:14:40 Mr. Conn
08:14:55 Sen. Tempel
08:16:19 Mr. Conn

Closing by Sponsor:

08:16:45 Rep. Dudik

08:18:09 Chair Webb

EXECUTIVE ACTION ON HB 514

08:18:33 **Motion:** Sen. Hoven moved that **HB 514 BE CONCURRED IN.**

08:18:44 **Motion:** Sen. Hoven moved that **HB 514 BE AMENDED.**

Discussion:

08:18:51 Sen. Hoven

08:19:07 **Vote:** Motion carried 10-0 by voice vote. Sen. Blasdel and Sen. Thomas were excused.

08:19:17 **Motion:** Sen. Hoven moved that **HB 514 BE CONCURRED IN AS AMENDED.**

Discussion:

08:19:29 Sen. Barrett

08:20:00 Chair Webb
08:21:07 Sen. Tempel

08:22:05 **Vote:** Motion carried 10-0 by voice vote. Sen. Blasdel and Sen. Thomas were excused. Sen. Barrett will carry the bill.

08:23:46 Sen. Barrett

08:24:02 Chair Webb

Sen. Blasdel entered the hearing.

EXECUTIVE ACTION ON SB 266

08:25:29 **Motion:** Sen. Blasdel moved that **SB 266 DO PASS**.

08:25:38 **Motion:** Sen. Blasdel moved that **SB 266 BE AMENDED**.
[EXHIBIT\(tas63a02\)](#)

Discussion:

08:25:48 Sen. Blasdel

08:27:48 **Vote:** Motion carried 11-0 by voice vote. Sen. Thomas was excused.

08:28:02 **Motion:** Sen. Blasdel moved that **SB 266 DO PASS AS AMENDED**.

Discussion:

08:28:11 Sen. Barrett
08:30:58 Sen. Cohenour

08:32:04 **Vote:** Motion carried 10-2 by roll call vote with Sen. Barrett and Sen. Cohenour voting no. Sen. Thomas voted by proxy.

EXECUTIVE ACTION ON SB 342

08:34:23 **Motion:** Sen. Hoven moved that **SB 342 DO PASS**.

08:36:31 **Substitute Motion/Vote:** Sen. Pomnichowski made a Substitute Motion that **SB 342 BE TABLED**. Substitute Motion failed 6-6 by roll call vote with Sen. Barrett, Sen. Cohenour, Sen. McClafferty, Sen. Phillips, Sen. Pomnichowski and Sen. Tempel voting aye. Sen. Thomas voted by proxy.

Discussion:

08:36:47 Sen. Phillips
08:36:53 Chair Webb
08:36:57 Sen. Phillips
08:37:47 Sen. Hoven
08:38:30 Chair Webb
08:38:32 Sen. Barrett
08:39:25 Sen. Hoven

08:42:03 **Vote:** Motion failed 4-8 by roll call vote with Sen. Blasdel, Sen. Richmond, Sen. Thomas and Sen. R. Webb voting aye. Sen. Thomas voted by proxy.

08:42:17 **Substitute Motion/Vote:** Sen. Barrett made a Substitute Motion that **SB 342 BE TABLED**. Substitute Motion carried 9-2 by voice vote with Sen. Hoven and Sen. R. Webb voting no. Sen. Thomas was excused.

EXECUTIVE ACTION ON SB 339

08:42:50 **Motion:** Sen. Cohenour moved that **SB 339 DO PASS**.

Discussion:

08:43:19 Sen. Cohenour

08:45:42 **Vote:** Motion failed 6-6 by roll call vote with Sen. Barrett, Sen. Cohenour, Sen. Hoven, Sen. McClafferty, Sen. Phillips and Sen. Pomnichowski voting aye. Sen. Thomas voted by proxy.

EXECUTIVE ACTION ON SB 265

Discussion:

08:47:27 Chair Webb

08:47:40 Sue O'Connell, Legislative Services Division (LSD)

EXHIBIT(tas63a03)

08:48:46 Chair Webb

08:48:50 Ms. O'Connell, LSD

08:49:58 Sen. Blasdel

08:50:08 Ms. O'Connell

08:51:05 Sen. Phillips

08:51:52 Chair Webb

08:52:01 Sen. McClafferty

08:52:11 Sen. Webb

08:52:21 Sen. Hoven

08:52:36 Darci Wiebe, Department of Public Health and Human Services (DPHHS)

08:52:54 Sen. Hoven

08:53:04 Ms. Wiebe, DPHHS

08:53:13 Sen. Barrett

08:53:33 Ms. Wiebe

08:53:55 Sen. Cohenour

08:54:27 Ms. Wiebe

08:54:51 Sen. Cohenour

08:55:25 Chair Webb

08:55:30 Ms. O'Connell

08:56:12 Sen. Pomnichowski

08:56:32 Ms. O'Connell

08:56:49 Sen. Jacobson

08:57:58 Chair Webb

08:58:15 Sen. Jacobson

08:58:28 Sen. Hoven

08:58:58	Sen. Jacobson
08:59:32	Douglas Felt, Uncle Bucks
09:00:09	Sen. Cohenour
09:00:51	Ms. Wiebe
09:01:11	Sen. Barrett
09:01:38	Ms. O'Connell
09:02:31	Sen. Jacobson
09:03:16	Chair Webb
09:03:24	Sen. Jacobson
09:03:31	Sen. Barrett
09:04:28	Chair Webb
09:04:40	Sen. Barrett
09:04:52	Sen. Hoven
09:05:08	Sen. Cohenour
09:05:32	Chair Webb
09:05:50	Ms. O'Connell
09:06:26	Sen. Jacobson
09:07:18	Ms. O'Connell
09:07:52	Sen. Cohenour
09:09:18	Chair Webb
09:09:39	Ms. O'Connell
09:11:27	Sen. Cohenour
09:13:14	Ms. O'Connell
09:13:44	Sen. Barrett
09:14:09	Ms. O'Connell
09:14:33	Sen. Barrett
09:14:54	Sen. Cohenour
09:15:01	Sen. Barrett
09:15:10	Ms. O'Connell
09:15:37	Sen. Blasdel
09:16:01	Sen. Cohenour
09:16:36	Sen. Hoven
09:17:13	Sen. Barrett
09:17:36	Chair Webb
09:17:51	Sen. Cohenour
09:19:26	Chair Webb
09:20:10	Ms. Wiebe
09:20:26	Sen. Jacobson
09:22:11	Ms. O'Connell
09:24:28	Chair Webb
09:25:41	Ms. Wiebe
09:26:02	Sen. Cohenour
09:27:44	Ms. O'Connell
09:28:23	Sen. Jacobson
09:29:30	Sen. Hoven
09:30:06	Ms. Wiebe
09:30:32	Ms. O'Connell
09:32:42	Sen. Phillips
09:33:00	Sen. Cohenour
09:35:13	Sen. Jacobson

09:36:08 Sen. Barrett
09:37:20 Ms. Wiebe
09:37:47 Sen. Barrett
09:38:06 Sen. Gillespie
09:38:43 Sen. Cohenour
09:40:22 Mr. Felt, Uncle Bucks
09:43:00 Sen. Barrett
09:47:34 Mr. Felt
09:47:53 Kate Cholewa, Montana Cannabis Industry Association
09:48:13 Sen. Pomnichowski
09:48:46 Sen. McClafferty
09:49:14 Ms. O'Connell
09:51:46 Jaret Coles, Legislative Services Division
09:52:56 Sen. Barrett
09:54:23 Chair Webb

09:54:35 Brief Recess
10:27:15 Reconvened

10:27:33 **Motion:** Sen. Hoven moved that **SB 265 DO PASS.**

10:27:44 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
EXHIBIT(tas63a04)

Discussion:

10:28:04 Sen. Barrett
10:28:09 Sen. Blasdel
10:28:34 Chair Webb
10:28:40 Ms. O'Connell
10:29:05 Chair Webb

10:29:26 **Vote:** Motion carried unanimously by voice vote of those present and voting.

10:29:51 **Motion/Vote:** Sen. Barrett moved to **CONCEPTUALLY AMEND AMENDMENT SB026501.ASO TO INCLUDE A JULY 1, 2019 EFFECTIVE DATE.** Motion carried unanimously by voice vote of those present and voting.

10:29:54 Sen. Richmond left the hearing.

10:30:20 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
EXHIBIT(tas63a05)

Discussion:

10:30:31 Sen. Cohenour
10:31:15 Chair Webb
10:31:38 Sen. Barrett
10:32:08 Ms. O'Connell

10:32:12 **Vote:** Motion carried 7-5 by roll call vote with Sen. Barrett, Sen. Cohenour, Sen. McClafferty, Sen. Phillips and Sen. Pomnichowski voting no. Sen. Richmond and Sen. Thomas voted by proxy.

10:32:48 Ms. O'Connell

10:33:05 **Motion/Vote:** Chair Webb moved to **CONCEPTUALLY AMEND AMENDMENT SB026502.ASO TO INCLUDE AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE AND APPROVAL.** Motion carried 8-3 by voice vote with Sen. McClafferty, Sen. Phillips, and Sen. Pomnichowski voting no. Sen. Thomas was excused.

10:33:57 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a06\)](#)

Discussion:

10:34:32 Sen. Cohenour
10:34:49 Darci Wiebe, Department of Health and Human Services (DPHHS)
10:35:23 Sen. Cohenour
10:37:35 Mr. Felt
10:40:15 Sen. Cohenour
10:41:05 Sen. Jacobson
10:42:10 Chair Webb
10:42:37 Sen. Hoven
10:42:55 Sen. Jacobson
10:43:09 Sen. Hoven
10:43:15 Sen. Jacobson
10:44:26 Sen. Phillips
10:44:48 Ms. Wiebe, DPHHS
10:44:54 Sen. Phillips

10:45:56 **Vote:** Motion failed 5-7 by roll call vote with Sen. Blasdel, Sen. Hoven, Sen. Richmond, Sen. Thomas and Sen. R. Webb voting aye. Sen. Richmond and Sen. Thomas voted by proxy.

10:46:01 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a07\)](#)

Discussion:

10:46:26 Sen. Cohenour
10:48:27 Chair Webb
10:49:13 Sen. Pomnichowski
10:50:24 Sen. Barrett
10:53:04 Ms. Wiebe
10:53:44 Sen. Barrett

10:53:58 **Vote:** Motion failed 4-8 by roll call vote with Sen. Blasdel, Sen. Richmond, Sen. Thomas and Sen. R. Webb voting aye. Sen. Richmond and Sen. Thomas voted by proxy.

10:54:56 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a08\)](#)

Discussion:

10:55:04 Sen. Cohenour

10:55:44 Ms. O'Connell

10:56:08 Sen. Cohenour

10:57:07 Sen. Richmond entered the hearing.

10:58:00 Chair Webb

10:58:51 Sen. Cohenour

10:58:58 Ms. Wiebe

10:59:43 Chair Webb

11:01:47 Ms. Wiebe

11:02:11 Sen. Barrett

11:02:44 Sen. McClafferty

11:03:03 Ms. Wiebe

11:03:53 Sen. Jacobson

11:05:37 Chair Webb

11:05:44 Sen. Jacobson

11:05:59 Sen. Pomnichowski

11:07:38 Ms. O'Connell

11:08:11 Sen. Cohenour

11:08:55 Chair Webb

11:09:10 **Vote:** Motion failed 4-8 by roll call vote with Sen. Blasdel, Sen. Richmond, Sen. Thomas and Sen. R. Webb voting aye. Sen. Thomas voted by proxy.

11:10:07 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a09\)](#)

Discussion:

11:10:23 **Motion/Vote:** Sen. Cohenour moved **TO CONCEPTUALLY SEGREGATE "BASED ON STUDIES THAT REVIEW FACTORS SPECIFIC TO THIS STATE" FROM AMENDMENT SB026506.ASO.** Motion carried unanimously by voice vote of those present and voting.

11:11:25 **Motion/Vote:** Sen. Webb moved that **SB 265 BE AMENDED WITH AMENDMENT SB026506.aso AS CONCEPTUALLY AMENDED WITHOUT THE SEGREGATED LANGUAGE.** Motion carried unanimously by voice vote of those present and voting.

11:11:46 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a10\)](#)

11:11:55 **Motion:** Sen. Barrett moved **TO SEGREGATE SECTION 36 FROM AMENDMENT SB026507.ASO.**

11:12:09 Sen. Barrett

- 11:13:00 **Vote:** Motion carried unanimously by voice vote of those present and voting.
- 11:13:11 Sen. Hoven
11:13:23 Ms. O'Connell
11:14:02 Sen. Barrett
11:14:31 Ms. O'Connell
11:14:49 Sen. Barrett
- 11:15:00 **Motion:** Sen. Hoven moved that **SB 265 BE CONCEPTUALLY AMENDED TO INCLUDE AN EFFECTIVE DATE NO LATER THAN JULY 1, 2020.**
- 11:15:24 Chair Webb
- 11:15:28 **Vote:** Motion carried unanimously by voice vote of those present and voting.
- 11:15:41 **Motion/Vote:** Sen. Webb moved that **SB 265 BE AMENDED WITH AMENDMENT SB026507.ASO AS AMENDED.** Motion carried unanimously by voice vote of those present and voting.
- 11:15:43 **Motion/Vote:** Sen. Hoven moved that **SB 265 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.
EXHIBIT(tas63a11)
- 11:16:17 **Motion/Vote:** Sen. Hoven moved that **SB 265 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.
EXHIBIT(tas63a12)
- 11:16:46 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
EXHIBIT(tas63a13)
- Discussion:**
- 11:17:13 Sen. Blasdel
11:17:15 Ms. O'Connell
- 11:17:25 **Vote:** Motion carried unanimously by voice vote of those present and voting.
- Discussion:**
- 11:17:26 Chair Webb
11:17:28 Sen. Blasdel
11:17:30 Chair Webb
- 11:18:05 **Motion/Vote:** Sen. Blasdel moved that **AMENDMENT SB026508.ASO INCLUDE AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE AND APPROVAL.** Motion carried unanimously by voice vote of those present and voting.

11:18:19 **Motion/Vote:** Sen. Blasdel moved that **AMENDMENT SB026509.ASO INCLUDE AN IMMEDIATE EFFECTIVE DATE UPON PASSAGE AND APPROVAL.** Motion carried unanimously by voice vote of those present and voting.

11:18:43 Sen. Cohenour

11:19:10 Chair Webb

11:19:14 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
[EXHIBIT\(tas63a14\)](#)

Discussion:

11:19:28 Sen. Pomnichowski

11:19:43 Ms. O'Connell

11:20:33 **Vote:** Motion carried unanimously by voice vote of those present and voting.

11:20:46 **Motion/Vote:** Sen. Hoven moved that **SB 265 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.

[EXHIBIT\(tas63a15\)](#)

Discussion:

11:21:13 Sen. Cohenour

11:21:18 Ms. O'Connell

11:21:47 Sen. Barrett

11:22:48 Sen. Hoven

11:22:55 Sen. Cohenour

11:23:07 Ms. Wiebe

11:23:19 Sen. Barrett

11:24:11 Sen. Cohenour

11:24:41 Ms. O'Connell

11:24:49 Chair Webb

11:24:55 Ms. Wiebe

11:24:57 Sen. McClafferty

11:24:59 Chair Webb

11:25:02 Ms. O'Connell

11:25:10 **Motion/Vote:** Sen. McClafferty moved that **AMENDMENT SB026511.ASO BE CONCEPTUALLY AMENDED TO HAVE AN EFFECTIVE DATE UPON PASSAGE AND APPROVAL.** Motion carried unanimously by voice vote of those present and voting.

11:25:20 **Motion/Vote:** Sen. Hoven moved that **SB 265 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.

[EXHIBIT\(tas63a16\)](#)

11:25:43 **Motion:** Sen. McClafferty moved that **AMENDMENT SB026513.ASO BE CONCEPTUALLY AMENDED TO INCLUDE AN EFFECTIVE DATE UPON PASSAGE AND APPROVAL.**

Discussion:

11:25:45 Chair Webb
11:25:59 Sen. Hoven
11:26:20 Sen. Jacobson

11:26:15 **Vote:** Motion carried unanimously by voice vote of those present and voting.

11:26:25 **Motion:** Sen. Hoven moved that **SB 265 BE AMENDED.**
EXHIBIT(tas63a17)

Discussion:

11:26:38 Bree Gee, Department of Public Health and Human Services

11:27:13 Without objection, Sen. Hoven withdrew his motion.

11:27:32 **Motion:** Sen. Hoven moved that **SB 265 DO PASS AS AMENDED.**

Discussion:

11:27:47 Sen. Hoven
11:28:42 Sen. Cohenour

11:28:53 **Vote:** Motion carried unanimously by voice vote of those present and voting.

11:29:05 Sen. Jacobson

EXECUTIVE ACTION ON SB 322

11:30:47 **Motion:** Sen. Hoven moved that **SB 322 DO PASS.**

Discussion:

11:31:07 Chair Webb

11:31:51 **Motion:** Sen. Hoven moved that **SB 322 BE AMENDED.**
EXHIBIT(tas63a18)

Discussion:

11:32:03 Chair Webb

11:33:02 **Vote:** Motion carried unanimously by voice vote of those present and voting.

11:33:12 **Motion:** Sen. Hoven moved that **SB 322 DO PASS AS AMENDED.**

Discussion:

11:33:27 Sen. Barrett
11:35:43 Chair Webb
11:38:17 Sen. Cohenour
11:38:20 Chair Webb
11:38:32 Sen. Barrett
11:39:18 Chair Webb

11:40:23 **Motion:** Sen. Hoven moved that **SB 322 BE CONCEPTUALLY AMENDED.**

11:41:18 Without objection, Sen Hoven withdrew his motion.

11:41:29 Sen. Barrett

11:45:22 Chair Webb

11:45:37 Sen. Phillips

11:46:18 Chair Webb

11:46:34 Sen. Gillespie

11:47:18 Sen. Barrett

11:48:18 Sen. Blasdel

11:48:53 Sen. Hoven

11:48:59 Jaret Coles, Legislative Services Division

11:49:21 Chair Webb

ADJOURNMENT

Adjournment: 11:49 AM

Charlene Devine, Secretary

cd

Additional Document:

Additional Documents:

EXHIBIT([tas63aad.pdf](#))