

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) TAXATION

Call to Order: Chair Sen. Greg Hertz-R, on February 28, 2023 at 9:01 AM, in 405

ROLL CALL

Members Present: Sen. Greg Hertz, Chair (R)
Sen. Shannon O'Brien, Vice Chair (D)
Sen. Daniel Zolnikov, Vice Chair (R)
Sen. Becky Beard (R)
Sen. Mary Ann Dunwell (D)
Sen. Denise Hayman (D)
Sen. Edith (Edie) McClafferty (D)
Sen. Wendy McKamey (R)
Sen. Brad Molnar (R)
Sen. Russel (Russ) Tempel (R)
Sen. Jeremy Trebas (R)

Members Excused: Sen. Jason Ellsworth (R)

Staff Present: Jaret Coles, Research Analyst
Lorna Mason, 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 449 02/27/2023

SB 461 02/23/2023

Executive Action:

SB 461 DO PASS

SB 251 TO TABLE

SB 291 TO TABLE

SB 292 TO TABLE

SB 303 DO PASS AS AMENDED

SB 362 DO PASS AS AMENDED

SB 408 TO TABLE

SB 427 TO TABLE

SB 442 DO PASS

HEARING ON SB 461 - Revise irrigation district tax collections

Opening Statement:

09:02:21 Sen. Daniel Salomon (R), SD 47, opened the hearing on SB 461, Revise irrigation district tax collections.

Proponent Testimony:

09:04:36 Mike Murphey, Montana Water Resource Association (MWRA)

Opponent Testimony:

09:05:53 Eric Bryson, Montana Association of Counties (MACo)

09:07:14 William Barron, self

Informational Witness Testimony:

09:11:06 Kory Hofland, Department of Revenue (DOR)

Questions from Committee:

09:11:51 Sen. Mary Ann Dunwell

09:11:57 Eric Bryson, MACo

09:13:51 Sen. Mary Ann Dunwell

09:15:25 Sen. Daniel Salomon-R

09:15:30 Sen. Becky Beard

09:15:50 Eric Bryson, MACo

09:16:52 Sen. Mary Ann Dunwell

09:17:26 Eric Bryson, MACo

09:18:57 Sen. Jeremy Trebas

09:19:29 Sen. Daniel Salomon-R

09:21:30 Sen. Russel (Russ) Tempel

09:21:45 William Barron, self

09:24:06 Sen. Daniel Zolnikov joined the meeting.

Closing Statement:

09:23:51 Sen. Daniel Salomon (R), SD 47, closed the hearing on SB 461.

HEARING ON SB 449 - Limit tax collection to 2 years

Opening Statement:

09:25:58 Sen. Daniel Emrich (R), SD 11, opened the hearing on SB 449, Limit tax collection to 2 years.

Proponent Testimony:

None

Opponent Testimony:

09:30:44 Danielle Pennington, Department of Revenue (DOR)

09:38:51 Sen. Daniel Zolnikov left the meeting.

09:39:56 Bob Story, Montana Taxpayers (MonTax)

Informational Witness Testimony:

09:41:28 Tony Zammit, Department of Revenue (DOR)

Questions from Committee:

09:42:05 Sen. Jeremy Trebas

09:42:10 Danielle Pennington, DOR

09:42:21 Sen. Greg Hertz

09:43:20 Danielle Pennington, DOR

09:43:32 Sen. Jeremy Trebas

09:44:10 Danielle Pennington, DOR

09:45:00 Sen. Greg Hertz

09:45:04 Danielle Pennington, DOR

09:45:14 Sen. Mary Ann Dunwell

09:45:43 Danielle Pennington, DOR

09:46:07 Jason Bell, DOR
09:47:19 Sen. Denise Hayman
09:47:46 Jason Bell, DOR
09:48:21 Sen. Greg Hertz
09:48:39 Sen. Daniel Emrich-R

Closing Statement:

09:49:05 Sen. Daniel Emrich (R), SD 11, closed the hearing on SB 449.

EXECUTIVE ACTION ON SB 461 - Revise irrigation district tax collections

10:15:57 **Motion:** Sen. Daniel Zolnikov moved that **SB 461 DO PASS.**

Discussion:

10:16:09 Sen. Greg Hertz
10:16:30 Sen. Mary Ann Dunwell
10:15:57 **Vote:** Motion carried 11 - 1 by voice vote with Sen. Hayman, voting no.

EXECUTIVE ACTION ON SB 251 - Sunset or reapprove existing voter-approved property tax levies

10:17:20 **Motion:** Sen. Daniel Zolnikov moved that **SB 251 DO PASS.**
10:17:30 **Substitute Motion:** Sen. Greg Hertz moved that **SB 251 TO TABLE.**
10:17:30 **Vote:** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 291 - Revise threshold for approval for certain bond elections

10:17:52 **Motion:** Sen. Daniel Zolnikov moved that **SB 291 DO PASS.**
Discussion:
10:19:04 Sen. Wendy McKamey
10:18:08 **Substitute Motion:** Sen. Greg Hertz moved that **SB 291 TO TABLE.**
Discussion:
13:10:32 Sen. Shannon O'Brien

13:10:36 Sen. Greg Hertz
13:11:10 Sen. Wendy McKamey
10:18:08 **Vote:** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 292 - Revising the threshold for approval of a mill levy election

10:19:33 **Motion:** Sen. Daniel Zolnikov moved that **SB 292 DO PASS.**
10:19:52 **Substitute Motion:** Sen. Wendy McKamey moved that **SB 292 TO TABLE.**
10:19:52 **Vote:** Substitute Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 303 - Revise withholding penalties for certain taxes

10:20:10 **Motion:** Sen. Daniel Zolnikov moved that **SB 303 DO PASS.**
10:20:16 **Motion:** Sen. Greg Hertz moved that **SB 303 BE AMENDED.**
Discussion:
10:20:44 Jaret Coles
10:22:27 Sen. Greg Hertz
13:15:34 Sen. Edith (Edie) McClafferty
10:20:16 **Vote:** Motion carried unanimously by voice vote.
10:24:48 **Motion:** Sen. Daniel Zolnikov moved that **SB 303 DO PASS AS AMENDED.**

Discussion:

10:25:00 Sen. Jeremy Trebas
10:24:48 **Vote:** Motion carried 10 - 2 by roll call vote with Sen. Molnar, Sen. Trebas, voting no.

EXECUTIVE ACTION ON SB 362 - Eliminate property tax statute of limitations on refunds

10:26:16 **Motion:** Sen. Daniel Zolnikov moved that **SB 362 DO PASS.**
10:26:29 **Motion:** Sen. Greg Hertz moved that **SB 362 BE AMENDED.**
Discussion:
13:20:39 Sen. Greg Hertz
10:26:29 **Vote:** Motion carried unanimously by voice vote.

10:28:54 **Motion:** Sen. Daniel Zolnikov moved that **SB 362 DO PASS AS AMENDED.**

10:28:54 **Vote:** Motion carried 11 - 1 by voice vote with Sen. Beard, voting no.

EXECUTIVE ACTION ON SB 408 - Revise public access laws related to tax credits and incentives

10:29:27 **Motion:** Sen. Daniel Zolnikov moved that **SB 408 DO PASS.**

Discussion:

10:31:33 Sen. Brad Molnar

10:32:32 Sen. Greg Hertz

10:32:48 Sen. Becky Beard

10:32:51 Sen. Shannon O'Brien

10:33:41 Sen. Wendy McKamey

13:34:57 Sen. Brad Molnar

10:29:27 **Vote:** Motion failed 9 - 3 by roll call vote with Sen. Hayman, Sen. Molnar, Sen. O'Brien, voting yes.

10:36:43 **Motion:** Sen. Daniel Zolnikov moved that **SB 408 TO TABLE.**

10:36:43 **Vote:** Motion carried 11 - 1 by voice vote with Sen. Molnar, voting no.

EXECUTIVE ACTION ON SB 427 - Revise statute of limitations for assessment of income tax deficiency

10:37:23 **Motion:** Sen. Daniel Zolnikov moved that **SB 427 DO PASS.**

10:37:23 **Vote:** Motion carried unanimously by voice vote.

10:38:04 **Substitute Motion:** Sen. Daniel Zolnikov moved that **SB 427 TO TABLE.**

10:38:04 **Vote:** Substitute Motion carried 11 - 1 by voice vote with Sen. Molnar, voting no.

EXECUTIVE ACTION ON SB 442 - Allow marijuana tax revenue to be used for county road maintenance

10:38:26 **Motion:** Sen. Daniel Zolnikov moved that **SB 442 DO PASS.**

10:39:00 **Motion:** Sen. Greg Hertz moved that **SB 442 BE AMENDED.**

Discussion:

10:39:18 Sen. Jeremy Trebas

10:39:00 **Vote:** Motion tied 6 - 6 roll call vote

10:42:05 **Motion:** Sen. Greg Hertz moved that **SB 442 DO PASS.**

Discussion:

10:44:26 Sen. Jeremy Trebas

10:44:32 Sen. Mary Ann Dunwell

10:45:13 Sen. Denise Hayman

10:45:56 Sen. Russel (Russ) Tempel

10:46:40 Sen. Brad Molnar

10:47:11 Sen. Becky Beard

10:47:28 Sen. Greg Hertz

10:48:09 Sen. Edith (Edie) McClafferty

10:48:22 Sen. Mary Ann Dunwell

10:42:05 **Vote:** Motion carried 7 - 5 by roll call vote with Sen. Dunwell, Sen. Hayman, Sen. McClafferty, Sen. Molnar, Sen. O'Brien, voting no.

ADJOURNMENT

Adjournment: 11:04:30

Lorna Mason, Secretary

Additional Documents: [EXHIBIT\(230228TASaad\)](#)