

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN KARL WAITSCHIES**, on April 1, 2005 at 8:00 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Karl Waitschies, Chairman (R)
Rep. Gary Branae, Vice Chairman (D)
Rep. Bob Lake, Vice Chairman (R)
Rep. John Balyeat (R)
Rep. Norma Bixby (D)
Rep. Edward B. Butcher (R)
Rep. Margaret H. Campbell (D)
Rep. Jill Cohenour (D)
Rep. Tom Facey (D)
Rep. Wanda Grinde (D)
Rep. Dennis Himmelberger (R)
Rep. Carol Lambert (R)
Rep. Dave McAlpin (D)
Rep. Jim Peterson (R)
Rep. John (Jack) W. Ross (R)
Rep. Bill Warden (R)
Rep. Brady Wiseman (D)

Members Excused: Rep. George G. Groesbeck (D)

Members Absent: Rep. Holly Raser (D)
Rep. Scott Sales (R)

Staff Present: Jeff Martin, 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: HB 803, 3/31/2005
 Executive Action: HB 529; HB 797; HB 798; HB 799
 HB 802; HB 803; HB 703; HB 764
 SB 75; SB 438

HEARING ON HB 803**Opening Statement by Sponsor:**

00:00:49 **REP. WAYNE STAHL (R), HD 35**, opened the hearing on **HB 803**, Revise taxes by providing income tax check-off for Montana dinosaur trail.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony:

00:03:49 Shona McCue, Montana Department of Revenue

Questions from Committee Members and Responses:

00:04:26 **REP. LAKE**
 00:09:18 **REP. ROSS**
 00:09:55 **REP. WISEMAN**

00:10:18 *REP. BUTCHER arrived at Committee Hearing.*

Closing by Sponsor:

00:12:29 **REP. WAYNE STAHL (R), HD 35** closed the hearing on **HB 803**.

EXECUTIVE ACTION ON HB 529

00:15:01 **Motion:** **REP. BRANAE** moved that **HB 529 DO PASS**.

Discussion:

00:16:32 Jeff Martin, Legislative Services Division

00:18:21 **Motion:** **REP. WARDEN** moved that **HB 529 BE AMENDED**.
[EXHIBIT \(tah69a01\)](#)

Discussion:

00:18:48 **REP. WARDEN**
 00:19:41 **REP. FACEY**
 00:20:56 **REP. WARDEN**

00:21:46 *REP. PETERSON left the Committee Hearing.*

Discussion: (con't)

00:21:46 **REP. WISEMAN**
00:22:05 **REP. FACEY**
00:22:28 Jeff Martin, Legislative Services Division
00:22:56 **REP. McALPIN**
00:23:21 **REP. FACEY**
00:23:38 **REP. COHENOUR**
00:24:13 **CHAIRMAN WAITSCHIES**

00:24:30 **Vote: Motion carried 18-2 by roll call vote with REPS. COHENOUR and SALES voting no and REPS. CAMPBELL, GROESBECK, PETERSON, RASER and SALES voting by proxy.**

00:25:34 **Motion: REP. FACEY moved that HB 529 BE AMENDED.**

Discussion:

00:26:22 **REP. LAMBERT**

00:26:35 *REP. PETERSON returned to Committee Hearing.*

00:27:41 **REP. COHENOUR**
00:29:05 **REP. FACEY**

00:29:51 **Vote: Motion carried 19-1 by roll call vote with REP. SALES voting no and REPS. CAMPBELL, GROESBECK, RASER and SALES voting by proxy.**

EXECUTIVE ACTION ON HB 797

00:31:10 **Motion: REP. BRANAE moved that HB 797 DO PASS.**

Discussion:

00:31:16 **REP. LAMBERT**
00:31:45 **REP. COHENOUR**
00:32:34 **REP. LAMBERT**
00:33:16 **REP. WISEMAN**
00:38:23 **REP. BALYEAT**
00:38:54 **REP. BUTCHER**

00:43:03 *REP. PETERSON left the Committee Hearing.*

00:43:25 **REP. BALYEAT**
00:44:19 **REP. COHENOUR**
00:45:31 **REP. McALPIN**
00:46:04 **REP. BALYEAT**
00:46:26 **REP. BUTCHER**

Discussion: (con't)

00:47:04

REP. ROSS

00:48:14

REP. LAKE

00:50:38

REP. BIXBY

00:50:56

REP. CAMPBELL arrived at Committee Hearing.

00:51:04

CHAIRMAN WAITSCHIES

00:51:53

Vote: Motion failed 7-13 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, MCALPIN, RASER, and WISEMAN voting aye and REPS. FACEY, GROESBECK, PETERSON, RASER and SALES voting by proxy.

00:53:25

Motion/Vote: REP. WARDEN moved that HB 797 BE TABLED AND THE VOTE REVERSED. Motion carried by voice vote.

EXECUTIVE ACTION ON HB 798

00:53:48

Motion: REP. BRANAE moved that HB 798 DO PASS.

00:54:33

Motion: REP. BRANAE moved that HB 798 BE AMENDED.
[EXHIBIT](#) (tah69a02)

Discussion:

00:56:16

REP. LAKE

00:57:38

CHAIRMAN WAITSCHIES

00:58:00

REP. COHENOUR

00:58:32

CHAIRMAN WAITSCHIES

00:58:49

Vote: Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. FACEY, GROESBECK, PETERSON, RASER and SALES voting by proxy.

Discussion:

01:00:00

REP. LAMBERT

01:00:24

REP. BALYEAT

01:00:57

REP. COHENOUR

01:01:46

REP. LAKE

01:02:10

REP. ROSS

01:02:26

REP. McALPIN

01:02:38

CHAIRMAN WAITSCHIES

01:03:39 **Vote:** Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. FACEY, GROESBECK, PETERSON, RASER and SALES voting by proxy.

01:05:06 Break

01:21:30 Resume

01:21:31 *REP. GROESBECK and REP. FACEY arrived at Committee Hearing.*

EXECUTIVE ACTION ON HB 799

01:21:57 **Motion:** REP. WISEMAN moved that HB 799 DO PASS.

Discussion:

01:22:08 REP. BALYEAT

[EXHIBIT \(tah69a03\)](#)

01:24:14 REP. WISEMAN

01:25:37 REP. BALYEAT

01:27:00 CHAIRMAN WAITSCHIES

01:27:38 REP. BALYEAT

01:31:21 **Substitute Motion/Vote:** REP. BALYEAT made a substitute motion that HB 799 BE TABLED. Substitute motion failed 10-10 by roll call vote with REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAKE, LAMBERT, PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN voting aye and REPS. PETERSON, RASER and SALES voting by proxy.

01:32:18 **Motion:** REP. WISEMAN moved that HB 799 BE AMENDED.

[EXHIBIT \(tah69a04\)](#)

Discussion:

01:32:48 REP. WISEMAN

01:33:39 **Vote:** Motion carried 19-1 by voice vote with REP. SALES voting no with REPS. RASER, PETERSON and SALES voting by proxy.

01:34:14 **Motion:** REP. WISEMAN moved that HB 799 DO PASS AS AMENDED.

Discussion:

01:34:21 REP. BUTCHER
01:38:25 REP. FACEY
01:41:09 REP. COHENOUR
01:44:22 REP. LAKE

01:47:46 *REP. BRANAE left the Committee Hearing.*

01:49:11 **Vote:** Motion failed 10-10 by roll call vote with REPS. BIXBY, BRANAE, CAMPBELL, COHENOUR, FACEY, GRINDE, GROESBECK, MCALPIN, RASER, and WISEMAN voting aye and REPS. PETERSON, BRANAE, RASER and SALES voting by proxy.

01:50:25 Break

02:51:07 Resume

EXECUTIVE ACTION ON HB 802

02:51:33 **Motion:** REP. LAMBERT moved that HB 802 DO PASS.

02:51:36 *REP. HIMMELBERGER left the Committee Hearing.*

Discussion:

02:51:40 REP. LAMBERT
02:52:02 REP. COHENOUR
02:52:24 REP. LAMBERT
02:52:59 REP. FACEY
02:53:23 REP. ROSS
02:54:29 REP. WISEMAN

02:54:52 **Vote:** Motion carried 13-7 by roll call vote with REPS. BIXBY, BRANAE, COHENOUR, GRINDE, MCALPIN, RASER, and WISEMAN voting no and REPS. BRANAE, HIMMELBERGER, PETERSON, RASER and SALES voting by proxy.

EXECUTIVE ACTION ON HB 803

02:56:47 **Motion:** REP. LAMBERT moved that HB 803 DO PASS.

Discussion:

02:56:53 CHAIRMAN WAITSCHIES
02:57:19 REP. COHENOUR
02:57:37 REP. WISEMAN
02:58:04 REP. GROESBECK
02:59:27 REP. BUTCHER
03:01:25 Jeff Martin, Legislative Services Division

03:01:36 *REP. FACEY left the Committee Hearing.*

03:02:03 **Motion:** REP. COHENOUR moved that HB 803 BE AMENDED.

EXHIBIT (tah69a05)**Discussion:**

03:02:25 REP. BUTCHER
03:02:56 REP. WARDEN
03:03:42 REP. CAMPBELL

03:04:24 **Vote:** Motion carried 19-1 by voice vote with REP. SALES voting no and REPS. BRANAE, PETERSON, FACEY, RASER, HIMMELBERGER and SALES voting by proxy.

03:05:20 **Motion:** REP. WISEMAN moved that HB 803 DO PASS AS AMENDED.

Discussion:

03:05:28 CHAIRMAN WAITSCHIES
03:06:03 REP. LAKE
03:06:27 REP. LAMBERT

03:06:49 **Vote:** Motion carried 12-8 by roll call vote with REPS. BALYEAT, HIMMELBERGER, LAKE, LAMBERT, PETERSON, SALES, WAITSCHIES, and WARDEN voting no and REPS. BRANAE, FACEY, HIMMELBERGER, PETERSON, RASER and SALES voting by proxy.

EXECUTIVE ACTION ON HB 703

03:08:30 **Motion:** REP. COHENOUR moved that HB 703 DO PASS.

03:08:36 *REP. PETERSON returned to Committee Hearing.*

Discussion:

03:08:50 REP. WISEMAN
03:09:42 REP. COHENOUR
03:10:16 REP. GROESBECK
03:11:15 REP. McALPIN
03:11:45 REP. LAKE
03:12:55 REP. ROSS

03:13:36 *REP. WISEMAN left Committee Hearing.*

03:13:42 Break
03:17:10 Resume

03:17:19 **Vote: Motion carried 12-8 by roll call vote with REPS. BALYEAT, GROESBECK, LAKE, PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN voting no and REPS. BRANAE, FACEY, HIMMELBERGER, WISEMAN, RASER and SALES voting by proxy.**

03:19:08 REP. PETERSON
03:19:46 REP. COHENOUR

03:19:49 *REP. WISEMAN returns to Committee Hearing.*

EXECUTIVE ACTION ON SB 75

03:21:05 **Motion: REP. GROESBECK moved that SB 75 BE CONCURRED IN.**

Discussion:

03:21:14 REP. COHENOUR
03:21:57 REP. WISEMAN
03:23:15 REP. LAKE
03:24:05 REP. COHENOUR
03:25:08 REP. WISEMAN
03:26:16 REP. BUTCHER
03:28:00 REP. LAMBERT
03:28:59 REP. GROESBECK
03:31:40 REP. COHENOUR
03:33:16 REP. WISEMAN
03:34:58 REP. BUTCHER

03:35:48 **Vote: Motion failed 9-11 by roll call vote with REPS. BIXBY, BRANAE, COHENOUR, FACEY, GRINDE, GROESBECK, McALPIN, RASER, and WISEMAN voting aye and REPS. BRANAE, FACEY, HIMMELBERGER, RASER and SALES voting by proxy.**

03:36:36 **Motion:** REP. BUTCHER moved that SB 75 BE TABLED AND THE VOTE REVERSED. REP. McALPIN voices objection.

03:37:02 **Vote:** Motion failed 10-10 by roll call vote with REPS. BALYEAT, BUTCHER, HIMMELBERGER, LAKE, LAMBERT, PETERSON, ROSS, SALES, WAITSCHIES, and WARDEN voting aye and REPS. BRANAE, FACEY, HIMMELBERGER, RASER and SALES voting by proxy.

EXECUTIVE ACTION ON SB 438

03:38:49 **Motion:** REP. LAMBERT moved that SB 438 DO PASS.

03:39:36 *REP. BRANAE returned to Committee Hearing.*

03:40:02 **Substitute Motion/Vote:** REP. LAKE made a substitute motion that SB 438 BE TABLED. Substitute motion carried unanimously by voice vote with REPS. SALES, HIMMELBERGER, RASER and FACEY voting by proxy.

EXECUTIVE ACTION ON HB 764

03:42:31 **Motion:** REP. GROESBECK moved that HB 764 BE RECONSIDERED. Motion carried by voice vote.

03:42:39 **Motion:** REP. GROESBECK moved that HB 764 DO PASS AS AMENDED.

Discussion:

03:42:40 REP. LAKE

03:43:00 CHAIRMAN WAITSCHIES

03:43:46 **Vote:** Motion carried 11-9 by roll call vote with REPS. BALYEAT, HIMMELBERGER, LAKE, LAMBERT, PETERSON, ROSS, WARDEN, SALES, and WAITSCHIES voting no and REPS. FACEY, HIMMELBERGER, RASER and SALES voting by proxy.

ADJOURNMENT

Adjournment: 12:00 P.M.

REP. KARL WAITSCHIES, Chairman

DEBRA POLHEMUS, Secretary

KW/dp

Additional Exhibits:

EXHIBIT ([tah69aad0.PDF](#))