

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on January 27, 2005 at 8 A.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Jim Elliott, Chairman (D)
Sen. Jerry W. Black (R)
Sen. Jeff Essmann (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Dan Harrington (D)
Sen. Sam Kitzenberg (R)
Sen. Bob Story Jr. (R)

Members Excused: Sen. Jon Ellingson (D)
Sen. Trudi Schmidt (D)
Sen. Ken Toole (D)

Members Absent: None.

Staff Present: Kathleen Ely, Committee Secretary
Lee Heiman, Legislative Branch

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 228, 1/24/2005; SB 229,
1/24/2005; SB 271, 1/24/2005
Executive Action: SB 67, SB 246, SB 151

00:02:45

HEARING ON SB 229

Opening Statement by Sponsor:

SEN. JOHN COBB (R), SD 9, opened the hearing on **SB 229**, Revise carryforward and carryback periods for corporate income tax.

EXHIBIT (tas21a01)

Proponents' Testimony: None.

Opponents' Testimony:

00:04:49 **Joe Mazurek, Semi-Tool Conductors**
00:06:49 **Mary Whittinghill, Montana Taxpayers Association**
00:07:49 **Holly Franz, Montana Society of Certified Public Accountants**

Informational Testimony:

00:08:03 **Gene Walborn, Department of Revenue**

00:9:07

Questions from Committee Members and Responses:

00:10:43 **SEN. TOOLE** arrives.

00:21:44

Closing by Sponsor:

SEN. TOOLE assumes the Chair.

00:21:37

HEARING ON SB 271

Opening Statement by Sponsor:

SEN. JIM ELLIOTT (D), SD 7, opened the hearing on **SB 271**, Adjust guaranteed tax base for property tax protests.

Proponents' Testimony:

00:24:41 **Bob Vogel, Montana School Board Association**

Opponents' Testimony: None.

Informational Testimony:

00:26:59 Gene Walborn, Department of Revenue

Questions from Committee Members and Responses:

00:33:07 Madalyn Quinlan, Office of Public Instruction

00:20:44

Closing by Sponsor:

00:42:37

EXECUTIVE ACTION ON SB 67

Motion: SEN. STORY moved that SB 67 DO PASS.

[EXHIBIT](#) (tas21a02)

Motion/Vote: SEN. STORY moved that SB 67 BE AMENDED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. GEBHARDT moved that SB 67 BE AMENDED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. STORY moved that SB 67 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

00:50:37

SB 245

Motion: SEN. TOOLE moved that SB 245 DO PASS.

Motion: SEN. TOOLE withdrew his motion that SB 245 DO PASS.

01:01:37

EXECUTIVE ACTION ON SB 246

Motion: SEN. ESSMANN moved that SB 246 DO PASS.

Motion: SEN. KITZENBERG moved that SB 246 BE AMENDED.

[EXHIBIT](#) (tas21a03)

Motion/Vote: SEN. HARRINGTON moved that SB 246 BE TABLED. Motion carried unanimously by voice vote.

01:18:57

EXECUTIVE ACTION ON SB 151

Motion: SEN. TOOLE moved that SB 151 DO PASS.

Motion/Vote: SEN. STORY moved that SB 151 BE AMENDED. Motion carried 8-1 by roll call vote with SEN. ELLIOTT voting no and SEN. BLACK voting aye by proxy.

Motion: SEN. TOOLE moved that SB 151 BE AMENDED.

Motion/Vote: SEN. TOOLE moved that SB 151 BE AMENDED to include items 2 and 3 of the Weinberg amendment. Motion carried unanimously by voice vote.

Motion/Vote: SEN. TOOLE moved that SB 151 BE AMENDED to include items 1 and 4 of the Weinberg amendment.

Substitute Motion: SEN. GILLAN made a substitute motion that SB 151 BE CONCEPTUALLY AMENDED.

Motion: SEN. GILLAN withdrew her motion that SB 151 BE AMENDED.

Motion/Vote: SEN. TOOLE'S motion carried 8-1 by voice vote with SEN. GEBHARDT voting no.

Motion/Vote: SEN. GILLAN moved that SB 151 BE AMENDED to strike the language of sub-section b, changing the title and population reference, and strike the line at sub-section 5b. Motion carried 6-3 by voice vote with SEN. BLACK, SEN. ELLIOTT, and SEN. STORY voting no.

Motion/Vote: SEN. GEBHARDT moved that SB 151 DO PASS AS AMENDED. Motion carried 9-2 by voice vote with SEN. ELLIOTT and SEN. STORY voting no and SEN. ELLINGSON and SEN. SCHMIDT voting aye by proxy.

01:39:41 Break.
01:44:13 Resumed meeting.

01:41:37

SB 250

Motion: SEN. TOOLE moved that SB 250 DO PASS.

Motion/Vote: SEN. ELLINGSON moved that SB 250 BE AMENDED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. ESSMANN moved that SB 250 BE AMENDED to make the effective date December 31, 2005. Motion carried 6-4 by voice vote with SEN. ELLINGSON, SEN. ELLIOTT, SEN. HARRINGTON, and SEN. TOOLE voting no.

SEN. TOOLE requested that the hearing on SB 250 be recessed.

01:41:37

SB 229

Motion: SEN. TOOLE moved that SB 229 DO PASS.

Motion: SEN. GEBHARDT moved that SB 229 BE AMENDED to carryforward from lines 5-10 on line 16. SEN. GEBHARDT withdrew his motion.

CHAIRMAN ELLIOTT suspended executive action on SB 229.

ADJOURNMENT

Adjournment: 10:01 A.M.

SEN. JIM ELLIOTT, Chairman

KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

EXHIBIT ([tas21aad0.PDF](#))