

MINUTES

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

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN JIM ELLIOTT**, on March 8, 2005 at 9 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. Ken Toole (D)

Members Excused: Sen. Jon Ellingson (D)
Sen. Trudi Schmidt (D)
Sen. Bob Story Jr. (R)

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: None.
Executive Action: SB 361; SB 362; SB 463; HB 54; HB 302; HB 439; SB 66; SB 133; SB 332; SB 345; SB 437; SB 480; SB 502; SB 504; SJ 20

00:01:23

EXECUTIVE ACTION ON SB 361

Motion/Vote: SEN. GILLAN moved that SB 361 BE TABLED. Motion carried unanimously by voice vote.

00:03:17

EXECUTIVE ACTION ON SB 362

Motion/Vote: SEN. TOOLE moved that SB 362 BE TABLED. Motion carried unanimously by voice vote.

00:05:32

EXECUTIVE ACTION ON SB 463

Motion/Vote: SEN. TOOLE moved that SB 463 BE TABLED. Motion carried unanimously by voice vote.

00:07:06

EXECUTIVE ACTION ON HB 54

Motion/Vote: SEN. TOOLE moved that HB 54 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. PEASE will carry the bill.

00:09:17

EXECUTIVE ACTION ON HB 302

Motion: SEN. TOOLE moved that HB 302 BE CONCURRED IN.

Motion: SEN. ESSMANN moved that HB 302 BE AMENDED.

[EXHIBIT](#)(tas51a01)

00:11:46 SEN. STORY arrives.

00:12:03 SEN. GEBHARDT leaves.

Motion: SEN. ESSMANN moved to segregate Section 1, Section 2, and sentence 1 of Section 3.

Substitute Motion: SEN. STORY made a substitute motion that HB 302 BE AMENDED to read "no public funds be expended in an election."

SEN. STORY withdrew the motion.

Substitute Motion/Vote: SEN. GILLAN made a substitute motion that HB 302 BE AMENDED to read "public funds may not be expended

in support of or in opposition to a public levy." Motion failed 3-8 with SEN. ESSMANN, SEN. GEBHARDT and SEN. STORY voting aye. SEN. ELLINGSON voting no by proxy and SEN. GEBHARDT voting no by proxy.

Motion/Vote: SEN. TOOLE moved that HB 302 BE CONCURRED IN AS AMENDED. Motion carried 5-3 by voice vote with SEN. ESSMANN, SEN. GEBHARDT, and SEN. STORY voting no. SEN. GEBHARDT voted no by proxy. SEN. HARRINGTON will carry the bill.

00:33:55

EXECUTIVE ACTION ON SB 439

Motion/Vote: SEN. TOOLE moved that HB 439 BE CONCURRED IN. Motion carried unanimously by voice vote.

00:35:57

EXECUTIVE ACTION ON SB 66

Motion/Vote: SEN. KITZENBERG moved that SB 66 DO PASS AS AMENDED. Motion carried unanimously by voice vote.

00:45:01

EXECUTIVE ACTION ON SB 133

Motion: SEN. GILLAN moved that SB 133 DO PASS AS AMENDED.

SEN. GILLAN withdrew the motion.

00:48:42

EXECUTIVE ACTION ON SB 332

Motion: SEN. TOOLE moved that SB 332 DO PASS.

Motion/Vote: SEN. TOOLE moved that SB 332 BE AMENDED. Motion carried 7-1 by voice vote with SEN. STORY voting no.

EXHIBIT (tas51a02)

Motion/Vote: SEN. TOOLE moved that SB 332 DO PASS AS AMENDED. Motion failed 5-6 by roll call vote with SEN. ELLINGSON, SEN. ELLIOTT, SEN. GILLAN, SEN. HARRINGTON, and SEN. TOOLE voting aye. SEN. GEBHARDT and SEN. SCHMIDT voted no by proxy. SEN. ELLINGSON voted aye by proxy.

Motion/Vote: SEN. STORY moved that SB 332 BE TABLED. Motion carried unanimously by voice vote.

01:00:24 SEN. GEBHARDT returned.

01:01:24

EXECUTIVE ACTION ON SB 133

Motion: SEN. GILLAN moved that SB 133 DO PASS AS AMENDED.

SEN. GILLAN withdrew the motion.

01:23:18

EXECUTIVE ACTION ON SB 345

Motion: SEN. TOOLE moved that SB 345 DO PASS.

01:26:36 Debbie Jurcich, Department of Revenue

Motion/Vote: SEN. STORY moved that SB 345 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#) (tas51a03)

Motion/Vote: SEN. STORY moved that SB 345 BE AMENDED. Motion carried unanimously by voice vote.

[EXHIBIT](#) (tas51a04)

SEN. TOOLE withdrew the motion.

01:48:15 SEN. TOOLE assumed the Chair.

01:48:32

EXECUTIVE ACTION ON SB 437

Motion: SEN. ELLIOTT moved that SB 437 DO PASS.

Motion/Vote: SEN. ELLIOTT moved that SB 437 DO PASS. Motion failed 4-5 by roll call vote with SEN. ELLIOTT, SEN. ESSMANN, SEN. KITZENBERG, and SEN. STORY voting aye. SEN. ELLIOTT held the vote open for 24 hours.

SEN. ELLINGSON and SEN. SCHMIDT voted no within 24 hours, according to SEN. ELLIOTT.

Motion/Vote: SEN. ELLIOTT moved to reconsider SB 437 for the purposes of amendment to read "the use of mills can only be used with permission of the Legislature."

SEN. ELLIOTT withdrew the motion to permit the original vote to be tallied.

02:04:18 SEN. ELLIOTT resumed the Chair.

02:04:29

EXECUTIVE ACTION ON SB 480

Motion/Vote: SEN. TOOLE moved that SB 480 DO PASS. Motion carried 7-1 by voice vote with SEN. BLACK voting no.

02:13:53

EXECUTIVE ACTION ON SB 502

Motion/Vote: SEN. STORY moved that SB 502 DO PASS. Motion failed 2-7 by voice vote with SEN. GEBHARDT and SEN. KITZENBERG voting aye.

Motion: SEN. STORY moved that SB 502 BE TABLED AND THE VOTE REVERSED.

02:17:53

EXECUTIVE ACTION ON SB 504

Motion: SEN. TOOLE moved that SB 504 DO PASS.

SEN. TOOLE withdrew the motion.

02:19:44 SEN. TOOLE assumed the Chair.

02:20:39

EXECUTIVE ACTION ON SJ 20

Motion: SEN. ELLIOTT moved that SJ 20 DO PASS.

Motion/Vote: SEN. ELLIOTT moved that SJ 20 BE AMENDED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. ELLIOTT moved that SJ 20 DO PASS AS AMENDED. Motion carried 9-2 by voice vote with SEN. HARRINGTON and SEN. TOOLE voting no.

02:28:10 SEN. ELLIOTT resumed the Chair.

ADJOURNMENT

Adjournment: 11:34 A.M.

SEN. JIM ELLIOTT, Chairman

KATHLEEN ELY, Secretary

JE/ke

Additional Exhibits:

EXHIBIT ([tas51aad0.PDF](#))