

**MINUTES**

**MONTANA SENATE  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON TAXATION**

**Call to Order:** Chairman Jeff Essmann, on April 15, 2009 at  
8:00 A.M., in Room 405 Capitol

**ROLL CALL**

**Members Present:**

Sen. Jeff Essmann, Chairman (R)  
Sen. Taylor Brown, Vice Chairman (R)  
Sen. Jerry W. Black (R)  
Sen. Gary Branae (D)  
Sen. Ron Erickson (D)  
Sen. Kelly Gebhardt (R)  
Sen. Kim Gillan (D)  
Sen. Bradley Hamlett (D)  
Sen. Christine Kaufmann (D)  
Sen. Bob Story Jr. (R)  
Sen. Bruce Tutvedt (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Lee Heiman, 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: NONE

Executive Action: DO CONCUR AS AMENDED: HB 658

**Discussion on HB 658:**

00:00:14 Chairman Essmann  
00:00:47 Sen. Erickson  
**EXHIBIT (tas80a01)**  
00:01:35 Chairman Essmann  
00:01:44 Sen. Gebhardt  
00:02:13 Sen. Erickson  
00:02:39 Chairman Essmann  
00:04:16 Sen. Gebhardt  
00:06:19 Chairman Essmann  
00:07:06 Sen. Gillan  
00:07:38 Sen. Story  
00:08:15 Chairman Essmann  
00:08:30 Sen. Erickson  
00:09:08 Chairman Essmann

**EXECUTIVE ACTION ON HB 658**

00:10:02 **Motion:** Sen. Erickson moved that **HB 658 BE CONCURRED IN.**

00:10:09 **Motion:** Sen. Erickson moved that **HB 658 BE AMENDED.**  
**EXHIBIT (tas80a02)**

**Discussion:**

00:10:21 Lee Heiman, Legislative Services Division (LSD)  
00:11:40 Sen. Erickson  
00:11:50 Sen. Story  
00:12:09 Lee Heiman, LSD  
00:12:19 Randy Wilke, Department of Revenue (DOR)  
00:13:15 Sen. Tutvedt  
00:13:34 Sen. Erickson  
00:13:57 Sen. Tutvedt  
00:14:40 Sen. Story  
00:15:04 Sen. Black  
00:15:14 Sen. Story  
00:15:44 Randy Wilke, DOR  
00:15:53 Sen. Story  
00:16:24 Randy Wilke  
00:17:22 Chairman Essmann  
00:18:07 Sen. Erickson  
00:18:31 Chairman Essmann  
00:18:40 Randy Wilke  
00:19:35 Sen. Tutvedt  
00:19:56 Randy Wilke  
00:20:15 Sen. Tutvedt

**Discussion: (Con't)**

00:20:39 Randy Wilke  
00:21:58 Sen. Story  
00:22:34 Randy Wilke  
00:22:44 Sen. Gebhardt  
00:23:36 Randy Wilke  
00:24:33 Sen. Gebhardt  
00:25:10 Randy Wilke  
00:25:41 Chairman Essmann  
00:25:49 Sen. Story

00:25:57 **Vote:** Motion carried unanimously by roll call vote.

**Discussion:**

00:26:54 Lee Heiman, LSD

00:28:12 **Motion/Vote:** Sen. Black moved that **HB 658 BE AMENDED.**  
Motion carried unanimously by voice vote.

**EXHIBIT (tas80a03)**

00:28:59 Sen. Story  
00:29:33 Lee Heiman  
00:30:04 Chairman Essmann

00:30:35 **Motion:** Sen. Tutvedt moved that **HB 658 BE AMENDED.**

**EXHIBIT (tas80a04)****Discussion:**

00:31:31 Sen. Tutvedt  
00:32:00 Jim Standaert, Legislative Fiscal Division (LFD)  
00:32:40 Lee Heiman  
00:33:03 Jim Standaert, LFD  
00:34:58 Chairman Essmann  
00:35:07 Jim Standaert  
00:36:06 Sen. Gebhardt  
00:36:56 Jim Standaert  
00:38:17 Sen. Erickson  
00:38:45 Lee Heiman  
00:39:09 Sen. Erickson  
00:39:27 Jim Standaert  
00:40:02 Sen. Gillan  
00:40:17 Dan Bucks, DOR  
00:41:46 Sen. Kaufmann  
00:42:08 Sen. Tutvedt  
00:42:33 Chairman Essmann  
00:42:45 Jim Standaert

**Discussion: (Con't)**

00:43:40 Chairman Essmann  
00:43:49 Jim Standaert  
00:43:56 Sen. Story  
00:44:26 Sen. Kaufmann  
00:45:08 Sen. Brown

00:45:36 Sen. Gillan left the meeting.

00:45:31 Sen. Tutvedt  
00:45:56 Sen. Story

00:46:30 **Vote:** Motion failed 5-5 by roll call vote of those present and voting with Sens. Black, Brown, Essmann, Gebhardt, and Tutvedt voting aye.

00:47:31 **Motion:** Sen. Kaufmann moved that **HB 658 BE AMENDED. EXHIBIT (tas80a05)**

00:47:36 Sen. Gillan returned to the meeting.

**Discussion:**

00:47:50 Sen. Kaufmann

00:54:34 Sens. Black and Branae left the meeting.

00:55:10 Sen. Brown  
00:56:09 Sen. Kaufmann  
00:57:43 Sen. Tutvedt  
00:58:31 Sen. Gillan  
00:59:27 Sen. Erickson  
01:00:43 Sen. Kaufmann  
01:02:15 Chairman Essmann  
01:03:28 Sen. Tutvedt

01:04:04 **Vote:** Motion failed 5-6 by roll call vote with Sens. Branae, Erickson, Gillan, Hamlett, and Kaufmann voting aye with Sens. Branae and Black voting by proxy.

01:04:53 **Motion:** Sen. Gillan moved that **HB 658 BE AMENDED. EXHIBIT (tas80a06)**

**Discussion:**

01:05:02 Sen. Gillan  
01:07:59 Sen. Kaufmann  
01:08:21 Sen. Gillan  
01:08:47 Chairman Essmann  
01:08:55 Lee Heiman  
01:09:35 Chairman Essmann  
01:09:38 Randy Wilke  
01:09:50 Chairman Essmann  
01:10:11 Sen. Tutvedt  
01:11:30 Sen. Gillan

01:11:45 **Vote:** Motion failed 5-6 by roll call vote with Sens. Branae, Erickson, Gillan, Hamlett, and Kaufmann voting aye with Sens. Branae and Black voting by proxy.

01:12:42 **Motion:** Sen. Tutvedt moved that **HB 658 BE AMENDED.**  
**EXHIBIT (tas80a07)**

**Discussion:**

01:14:21 Sen. Brown  
01:14:30 Lee Heiman

01:15:04 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:16:28 **Motion:** Sen. Essmann moved **HB 658 BE AMENDED.**  
**EXHIBIT (tas80a08)**

**Discussion:**

01:17:03 Chairman Essmann  
01:17:33 Sen. Brown  
01:17:40 Sen. Gebhardt

01:17:47 Sen. Branae returned to committee meeting.

01:18:38 Sen. Erickson  
01:18:51 Chairman Essmann  
01:19:26 Sen. Tutvedt  
01:19:41 Dan Bucks

01:20:04 Sen. Black returned to committee meeting.

01:20:30 Sen. Tutvedt  
01:20:49 Dan Bucks  
01:21:32 Chairman Essmann

**Discussion: (Con't)**

01:22:41 Lee Heiman

01:23:04 **Vote:** Motion carried unanimously by voice vote.

01:24:15 **Motion/Vote:** Sen. Tutvedt moved that **HB 658 BE AMENDED**. Motion carried 10-1 by voice vote with Sen. Gillan voting no.

**EXHIBIT (tas80a09)**

01:25:34 **Motion:** Sen. Hamlett moved that **HB 658 BE AMENDED**.

**EXHIBIT (tas80a10)****Discussion:**

01:26:35 Sen. Gillan

01:26:54 Sen. Tutvedt

01:27:23 Sen. Brown

01:27:50 Chairman Essmann

01:27:58 Sen. Hamlett

01:28:32 **Vote:** Motion carried 6-5 by roll call vote with Sens. Black, Brown, Essmann, Story, and Tutvedt voting no.

01:29:40 **Motion:** Sen. Gebhardt moved **TO AMEND HB 658 WITH A CONCEPTUAL AMENDMENT** to require the Montana counties to place a short notice of property tax assistance programs on tax notices.

**Discussion:**

01:30:50 Lee Heiman

01:31:25 Sen. Story

01:31:54 Ronda Wiggers, representing Montana County Treasurers' Association (CTA)

01:32:52 Chairman Essmann

01:34:05 Ronda Wiggers, CTA

01:34:27 **Vote:** Motion carried unanimously by voice vote.

01:34:58 **Motion:** Sen. Kaufmann moved **TO AMEND HB 658 WITH A CONCEPTUAL AMENDMENT** to remove the Homestead Act exemption from vacant lot properties.

**Discussion:**

01:35:42 Sen. Tutvedt  
01:36:02 Sen. Kaufmann  
01:36:11 Sen. Gebhardt  
01:36:18 Sen. Story  
01:36:36 Chairman Essmann  
01:38:06 Sen. Tutvedt  
01:38:41 Sen. Erickson  
01:39:47 Randy Wilke  
01:39:57 Sen. Story  
01:40:09 Randy Wilke

01:40:51 **Vote:** Motion failed 4-7 by roll call vote with Sens. Branae, Erickson, Gillan, and Kaufmann voting aye.

**Discussion:**

01:41:55 Sen. Gillan

01:42:04 **Motion:** Sen. Gebhardt moved to **AMEND HB 658 WITH A CONCEPTUAL AMENDMENT** to round state mill levies to the nearest one-tenth of a percent.

**Discussion:**

01:43:10 Sen. Kaufmann

01:43:45 **Vote:** Motion carried 7-4 by roll call vote with Sens. Branae, Erickson, Gillan, and Kaufmann voting no.

**Discussion:**

01:44:56 Sen. Gillan

01:45:05 Break

01:49:19 Reconvene

**Discussion:**

01:49:33 Chairman Essmann

01:49:36 Sen. Story left the committee meeting.

01:49:40 **Motion:** Sen. Tutvedt moved that **HB 658 BE CONCURRED IN AS AMENDED.**

**Discussion:**

01:49:51 Sen. Tutvedt  
01:50:24 Sen. Erickson  
01:51:07 Sen. Kaufmann  
01:51:53 Sen. Brown  
01:52:08 Sen. Black  
01:52:30 Sen. Brown  
01:52:36 Sen. Gebhardt  
01:53:27 Sen. Tutvedt  
01:54:26 Sen. Gillan  
01:55:26 Chairman Essmann  
01:59:27 Sen. Brown

02:00:27 **Vote:** Motion carried 6-5 by roll call vote with Sens. Branae, Erickson, Gillan, Hamlett, and Kaufmann voting no and Sen. Story voting by proxy.

**ADJOURNMENT**

Adjournment: 10:10 A.M.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT ([tas80aad.pdf](#))**