

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Dave Lewis, on March 11, 2011 at 9:00 A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Dave Lewis, Chairman (R)
Sen. Rick Ripley, Vice Chairman (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Edward Buttrey (R)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Llew Jones (R)
Sen. Alan Olson (R)

Members Excused:

Sen. Mary Caferro (D)
Sen. Steven Gallus (D)
Sen. Jim Keane (D)
Sen. Jason Priest (R)
Sen. Jon Sonju (R)
Sen. Edward Walker (R)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)
Sen. Ryan Zinke (R)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Taryn Purdy, 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 110, 3/3/2011; SB 199, 3/3/2011; SB 312, 3/4/2011; SB 317, 3/4/2011

Executive Action: SB 110; SB 199; SB 329; SB 317; SB 395; SB 312

HEARING ON SB 199

Opening Statement by Sponsor:

Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 199, Revise administration of income taxes and certain penalty & interest provisions.

[EXHIBIT\(fcs55a01\)](#)

Proponents' Testimony:

00:04:13 John Steinhoff, Montana Society of CPAs (MSCPA)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:06:05 Sen. Brown
00:06:22 Sen. Balyeat
00:07:24 Sen. Olson

Closing by Sponsor:

00:07:56 Sen. Balyeat

HEARING ON SB 317

Opening Statement by Sponsor:

00:08:20 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 317, Generally revise the Montana Environmental Policy Act.

Proponents' Testimony:

00:10:25 Gail Abercrombie, Montana Petroleum Association
00:11:31 Don Allen, Western Environmental Trade Association (WETA)
00:13:02 Tammy Johnson, Montana Mining Association
00:13:53 John Metropoulos, Attorney
00:14:36 Harold Blattie, Montana Association of Counties (MACo)

Opponents' Testimony:

00:15:30 Ann Hedges, Montana Environmental Information Center (MEIC)
00:17:03 Clayton Elliott, Northern Plains Resource Council

Informational Testimony:

None

Questions from Committee Members and Responses:

00:18:03 Sen. Zinke
00:18:48 Sen. Vincent
00:19:02 Sen. Zinke
00:19:21 Chairman Lewis
00:19:26 Sen. Vincent
00:21:06 Sen. Zinke
00:21:45 Sen. Vincent

Closing by Sponsor:

00:22:19 Sen. Vincent

HEARING ON SB 312

Opening Statement by Sponsor:

00:22:29 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 312, Revise metal mine laws.

Proponents' Testimony:

00:24:42 Tammy Johnson, Montana Mining Association
00:26:49 Don Allen, Western Environmental Trade Association
00:27:15 Harold Blattie, Montana Association of Counties
[EXHIBIT\(fcs55a02\)](#)

Opponents' Testimony:

00:28:03 Jim Jensen, Montana Environmental Information Center
00:30:19 Chairman Lewis
00:30:31 Clayton Elliott, Northern Plains Resource Council
00:31:24 Chairman Lewis

Informational Testimony:

00:31:41 Tom Livers, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:33:09 Chairman Lewis
00:33:14 Mr. Livers, DEQ

Closing by Sponsor:

00:33:46 Sen. Vincent

HEARING ON SB 110

Opening Statement by Sponsor:

00:35:16 Sen. John Brenden (R), SD 18, opened the hearing on SB 110, Exclude land occupied by county road from taxation.

Proponents' Testimony:

00:37:25 Ron Ostberg, Farmers and Ranchers

00:40:53 Ron Audet, Daniels County

Opponents' Testimony:

None

Informational Testimony:

00:41:56 Cynthia Monteau Moore, Department of Revenue (DOR)

Questions from Committee Members and Responses:

00:44:19 Sen. Brown

00:45:12 Ms. Monteau Moore, DOR

00:47:05 Sen. Brown

00:47:30 Ms. Monteau Moore

00:47:49 Sen. Ripley

00:48:12 Ms. Monteau Moore

00:48:39 Sen. Ripley

00:48:42 Ms. Monteau Moore

00:49:00 Sen. Ripley

00:49:35 Mr. Ostberg

00:50:44 Sen. Ripley

00:51:02 Sen. Hamlett

00:51:25 Sen. Brenden

00:52:02 Sen. Hamlett

00:52:42 Sen. Brenden

00:53:05 Sen. Brown

00:53:47 Dallas Reese, DOR

00:54:51 Sen. Brown

00:55:05 Mr. Reese

00:55:12 Chairman Lewis

00:55:51 Ms. Monteau Moore

00:56:50 Chairman Lewis

00:57:06 Ms. Monteau Moore

00:57:15 Sen. Sonju
00:57:33 Ms. Monteau Moore

Closing by Sponsor:

00:58:18 Sen. Brenden
01:00:02 Recess
01:31:48 Reconvene

EXECUTIVE ACTION ON SB 110

01:31:42 **Motion/Vote:** Sen. Brenden moved that **SB 110 DO PASS**. Motion carried 12-6 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Wanzenried and Sen. Williams voting no. Sen. Caferro, Sen. Gallus, Sen. Priest, Sen. Sonju and Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 199

01:33:34 **Motion:** Sen. Olson moved that **SB 199 DO PASS**.

Discussion:

01:33:56 Sen. Olson
01:34:02 Chairman Lewis
01:34:32 Sen. Brown

01:35:09 **Vote:** Motion carried 15-1 by roll call vote with Sen. Williams voting no. Sen. Caferro, Sen. Jones and Sen. Walker voted by proxy. Sen. Gallus, Sen. Keane and Sen. Zinke abstained.

EXECUTIVE ACTION ON SB 317

01:36:27 **Motion:** Sen. Olson moved that **SB 317 DO PASS**.

01:36:41 **Motion:** Sen. Olson moved that **SB 317 BE AMENDED**.
[EXHIBIT\(fcs55a03\)](#)

Discussion:

01:36:54 Chairman Lewis

01:37:10 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:37:17 **Motion:** Sen. Olson moved that **SB 312 BE AMENDED**.
[EXHIBIT\(fcs55a04\)](#)

01:37:09 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:37:42 **Motion/Vote:** Sen. Olson moved that **SB 317 DO PASS AS AMENDED**. Motion carried 11-8 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried, Sen. Williams and Sen. Zinke voting no. Sen. Caferro, Sen. Gallus, Sen. Jones, Sen. Keane, Sen. Sonju, Sen. Walker and Sen. Zinke voted by proxy.

EXECUTIVE ACTION ON SB 329

01:39:47 **Motion/Vote:** Sen. Olson moved that **SB 329 DO PASS**. Motion carried 16-0 by roll call vote. Sen. Jones, Sen. Sonju, Sen. Walker and Sen. Zinke voted by proxy.

EXECUTIVE ACTION ON SB 359

01:41:18 **Motion:** Sen. Ripley moved that **SB 359 DO PASS**.

01:41:23 **Motion:** Sen. Ripley moved that **SB 359 BE AMENDED**.
EXHIBIT(fcs55a05)

Discussion:

01:42:03 Sen. Wanzenried
01:42:11 Sen. Ripley
01:42:24 Chairman Lewis
01:42:47 Sen. Sonju
01:42:49 Chairman Lewis
01:42:56 Sen. Ripley
01:43:24 Sen. Brown
01:43:58 Sen. Ripley
01:44:00 Sen. Brown
01:44:02 Sen. Williams
01:44:10 Sen. Barrett
01:45:18 Chairman Lewis
01:45:28 Sen. Ripley
01:46:39 Sen. Caferro

01:48:57 **Vote:** Motion carried 14-1 by roll call vote. Sen. Gallus, Sen. Jones, Sen. Keane, Sen. Walker abstained.

01:50:10 **Motion:** Sen. Caferro moved that **SB 359 DO PASS AS AMENDED**.

Discussion:

01:50:26 Sen. Barrett
01:51:17 Sen. Ripley

01:51:43 Sen. Caferro
01:53:37 Chairman Lewis
01:53:39 Sen. Caferro
01:53:40 Sen. Zinke
01:55:42 Chairman Lewis
01:55:49 Sen. Buttrey
01:56:40 Sen. Hawks
01:57:24 Sen. Brown
01:59:28 Sen. Caferro

Discussion:

02:01:15 **Motion:** Sen. Caferro moved that **SB 359 BE AMENDED** conceptually to move forward contingent on available funding.

Discussion:

02:01:31 Sen. Wanzenried
02:01:38 Sen. Caferro
02:02:22 Taryn Purdy, Legislative Fiscal Division (LFD)
02:02:39 Sen. Caferro
02:02:48 Chairman Lewis
02:03:00 Sen. Sonju
02:03:09 Sen. Brown
02:04:33 Sen. Buttrey
02:05:25 Sen. Caferro
02:05:30 Chairman Lewis
02:05:38 Sen. Wanzenried
02:06:06 Chairman Lewis
02:06:16 Ms. Purdy, LFD
02:06:48 Sen. Brown
02:07:15 Ms. Purdy
02:07:34 Chairman Lewis
02:07:57 Sen. Caferro

02:08:09 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:08:24 **Motion:** Sen. Caferro moved that **SB 359 DO PASS AS AMENDED**.

Discussion:

02:08:34 Sen. Caferro
02:09:38 Sen. Olson
02:10:47 Chairman Lewis
02:10:57 Ms. Purdy
02:11:17 Sen. Olson
02:11:30 Ms. Purdy
02:11:38 Sen. Caferro
02:12:20 Ms. Purdy
02:13:08 Chairman Lewis

02:14:01 Sen. Caferro
 02:15:18 Sen. Brenden
 02:16:24 Sen. Brown
 02:18:02 Chairman Lewis
 02:18:10 Sen. Olson
 02:19:41 Sen. Ripley
 02:20:08 Sen. Keane
 02:20:21 Sen. Wanzenried
 02:20:36 Sen. Priest
 02:21:37 Sen. Buttrey

02:22:13 **Vote:** Motion failed 8-11 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Jones, Sen. Keane, Sen. Walker, Sen. Wanzenried and Sen. Williams voting aye. Sen. Gallus, Sen. Jones and Sen. Walker voted by proxy.

02:23:14 Sen. Caferro
 02:23:36 Chairman Lewis

02:23:41 **Motion/Vote:** Sen. Olson moved that **SB 359 BE TABLED AND THE VOTE REVERSED**. Motion carried 11-8 with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Jones, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Gallus, Sen. Jones and Sen. Walker voted by proxy.

EXECUTIVE ACTION ON SB 312

02:24:21 **Motion:** Sen. Ripley moved that **SB 312 DO PASS**.

02:24:35 **Motion:** Sen. Ripley moved that **SB 312 BE AMENDED**.
[EXHIBIT\(fcs55a06\)](#)

Discussion:

02:24:51 Joe Kolman, Legislative Services Division (LSD)
 02:30:25 Chairman Lewis
 02:30:40 Mr. Kolman
 02:30:54 Chairman Lewis
 02:31:10 Sen. Olson
 02:31:28 Sen. Wanzenried
 02:32:23 Sen. Ripley
 02:32:38 Mr. Kolman
 02:33:10 Sen. Ripley
 02:33:26 Mr. Kolman
 02:33:41 Chairman Lewis
 02:34:01 Sen. Keane
 02:34:16 Sen. Barrett

02:34:47 **Vote:** Motion carried by voice vote of those present and voting with Sen. Caferro, Sen. Hawks, Sen. Keane, Sen. Wanzenried and Sen. Williams voting no. Sen. Williams voted by proxy.

02:35:11 **Motion/Vote:** Sen. Ripley moved that **SB 312 DO PASS AS AMENDED**. Motion carried 14-4 by roll call vote with Sen. Caferro, Sen. Hawks, Sen. Wanzenried and Sen. Williams voting no. Sen. Brenden, Sen. Brown, Sen. Jones, Sen. Walker and Sen. Williams voted by proxy.

02:36:31 Sen. Keane

02:36:35 Chairman Lewis

ADJOURNMENT

Adjournment: 11:40

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([fcs55aad.pdf](#))