

## MINUTES

### MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Bruce Tutvedt, on March 14, 2011 at 11:00 A.M., in Room 405 Capitol

#### ROLL CALL

**Members Present:**

Sen. Bruce Tutvedt, Chair (R)  
Sen. Bob Lake, Vice Chair (R)  
Sen. Ron Arthun (R)  
Sen. Gary Branae (D)  
Sen. Ron Erickson (D)  
Sen. Kim Gillan (D)  
Sen. Christine Kaufmann (D)  
Sen. Kendall Van Dyk (D)  
Sen. Art Wittich (R)

**Members Excused:**

Sen. Jeff Essmann (R)  
Sen. Jim Peterson (R)  
Sen. Chas Vincent (R)

**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:**

Executive Action: SB 372 ~ Do Pass As Amended  
SB 392 ~ Tabled

**EXECUTIVE ACTION ON SB 372**

00:00:55 **Motion:** Sen. Lake moved that **SB 372 DO PASS AS AMENDED.**  
(Amendment added March 11, 2011)

**Discussion:**

00:01:18 Lee Heiman, Legislative Services Division (LSD)

00:01:28 Chairman Tutvedt

00:02:09 **Motion:** Sen. Arthun moved to **RECONSIDER THE MOTION TO AMEND SB 372.**

**Discussion:**

00:02:40 Sen. Arthun

**EXHIBIT(tas57a01)**

00:03:06 Lee Heiman, LSD

00:03:51 Chairman Tutvedt

00:04:19 Sen. Gillan

00:04:30 **Vote:** Motion carried 9-0 by voice vote of those present and voting.

00:04:48 **Motion:** Sen. Arthun moved that **SB 372 BE AMENDED.**

**EXHIBIT(tas57a02)**

**Discussion:**

00:05:03 Sen. Wittich

00:05:15 Chairman Tutvedt

00:05:21 Sen. Gillan

00:05:45 Chairman Tutvedt

00:06:11 Sen. Gillan

00:06:45 Chairman Tutvedt

00:07:01 Jerome Patton, Department of Revenue (DOR), without objection from committee

**EXHIBIT(tas57a03)**

00:08:54 Chairman Tutvedt

00:09:04 Sen. Wittich

00:09:50 Jerome Patton, DOR

00:10:31 **Vote:** Motion carried 7-5 by roll call vote with Sen. Branae, Sen. Erickson, Sen. Gillan, Sen. Kaufmann and Sen. Van Dyk voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

00:11:20 **Motion:** Sen. Lake moved that **SB 372 DO PASS AS AMENDED.**

00:11:42 **Motion:** Sen. Erickson moved **TO CONCEPTUALLY AMEND SB 372** by stating SB 372 will be enacted contingent upon the passage of legislation appearing on the left hand side of Exhibit 4, under the heading "Status".

**EXHIBIT(tas57a04)**

**Discussion:**

00:13:27 Lee Heiman  
00:13:35 Sen. Wittich  
00:15:08 Sen. Erickson  
00:16:39 Chairman Tutvedt  
00:17:04 Sen. Erickson  
00:17:24 Sen. Lake  
00:18:15 Sen. Van Dyk  
00:19:25 Sen. Wittich  
00:20:29 Sen. Erickson  
00:20:40 Alan Peura, Deputy Director, DOR, without objection from the committee

00:21:19 **Vote:** Motion failed 5-7 by roll call vote with Sen. Branae, Sen. Erickson, Sen. Gillan, Sen. Kaufmann and Sen. Van Dyk voting aye. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

**Discussion:**

00:22:33 Sen. Kaufmann  
00:23:00 Jerome Patton, DOR  
00:24:23 Sen. Kaufmann  
00:24:41 Jerome Patton  
00:24:55 Chairman Tutvedt  
00:25:20 Jerome Patton  
00:25:26 Sen. Kaufmann  
00:26:05 Sen. Wittich  
00:26:41 Jerome Patton  
00:27:03 Sen. Wittich  
00:27:48 Jerome Patton  
00:28:40 Sen. Wittich  
00:29:18 Sen. Gillan  
00:29:44 Chairman Tutvedt  
00:30:35 Sen. Gillan  
00:30:56 Chairman Tutvedt  
00:32:08 Sen. Gillan  
00:34:48 Sen. Wittich  
00:36:26 Sen. Lake  
00:37:43 Sen. Erickson  
00:39:34 Sen. Van Dyk  
00:41:04 Sen. Branae  
00:41:40 Sen. Arthun  
00:42:06 Sen. Kaufmann  
00:43:07 Chairman Tutvedt

00:44:41 **Vote:** Motion carried 7-5 by roll call vote with Sen. Branae, Sen. Erickson, Sen. Gillan, Sen. Kaufmann and Sen. Van Dyk voting no. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy.

**Discussion on SB 253**

00:45:35 Sen. Lake  
00:47:24 Sen. Van Dyk  
00:48:10 Sen. Erickson  
00:48:21 Sen. Lake  
00:48:28 Chairman Tutvedt

**EXECUTIVE ACTION ON SB 392**

00:49:03 **Motion:** Sen. Gillan moved that **SB 392 DO PASS.**

**Discussion:**

00:49:17 Sen. Gillan  
00:52:11 Sen. Lake  
00:52:45 Sen. Erickson  
00:53:29 Sen. Wittich

00:54:56 **Vote:** Motion failed 5-7 by roll call vote with Sen. Branae, Sen. Erickson, Sen. Gillan, Sen. Kaufmann and Sen. Van Dyk voting aye. Sen. Essmann, Sen. Peterson and Sen. Vincent voted by proxy. Without objection from the committee, Chairman Tutvedt requested that the bill be tabled.

**Committee Business:**

00:56:13 Sen. Van Dyk  
00:56:23 Chairman Tutvedt

**ADJOURNMENT**

Adjournment: 12:00 p.m.

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Debra Polhemus, Secretary

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Additional Documents:

**EXHIBIT([tas57aad.pdf](#))**