

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Mike Miller, on March 26, 2013 at 8:00 AM, in Room 152 Capitol

#### ROLL CALL

**Members Present:**

Rep. Mike Miller, Chair (R)  
Rep. Kelly Flynn, Vice Chair (R)  
Rep. JP Pomnichowski, Vice Chair (D)  
Rep. Douglas Coffin (D)  
Rep. Wylie Galt (R)  
Rep. Brian Hoven (R)  
Rep. Tom Jacobson (D)  
Rep. Austin Knudsen (R)  
Rep. Steve Lavin (R)  
Rep. Ed Lieser (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mary McNally (D)  
Rep. Lee Randall (R)  
Rep. Alan Redfield (R)  
Rep. Kerry White (R)  
Rep. Nancy Wilson (D)

**Members Excused:** Rep. Kris Hansen (R)  
Rep. Nicholas Schwaderer (R)  
Rep. Kathleen Williams (D)  
Rep. Daniel Zolnikov (R)

**Members Absent:** None

**Staff Present:** Megan Moore, Legislative Branch  
Rebecca Shaw, 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: HB 593, 3/21/2013; SB 231, 3/21/2013; HB 618, 3/22/2013

Executive Action: HB 592, HB 593, HB 618, SB 56

00:12:19 Chair Miller

### HEARING ON HB 593

#### Opening Statement by Sponsor:

00:12:34 Rep. Kirk Wagoner (R), HD 77, opened the hearing on HB 593, Revise DOR laws for calculating soil type and productivity values on range land.

00:14:53 Rep. Zolnikov entered.

#### Proponents' Testimony:

00:17:00 John Anderson, Ruby Dell Ranch

00:20:35 Dan Dornboss, Sauer Bear Ranch

00:30:07 John Helle, Rebish and Helle Partnership and Helle Livestock

#### EXHIBIT(tah65a01)

00:32:40 Rep. Hansen entered.

00:33:12 Ron Devlin, Devlin Ranch

00:43:28 Rep. Shaw

00:43:34 Rep. Schwaderer entered.

00:45:10 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

00:49:45 Nancy Schlepp, President, Montana Tax Payers Association (MONTax)

#### EXHIBIT(tah65a02)

00:52:25 Nicole Rolf, Regional Manager, Montana Farm Bureau Federation

00:53:38 Ariel Overstreet, Communications Manager, Montana Stockgrowers Association

00:54:11 Clayton Elliot, Northern Plains Resources Council

00:55:14 Shelby DeMars, United Property Owners

00:55:48 Jim Brown, Director of Public Affairs, Montana Wool Growers Association (MWGA)

#### EXHIBIT(tah65a03)

#### Opponents' Testimony:

00:57:49 CA Daw, Chief Legal Counsel, Department of Revenue (DOR)

01:03:18 Cynthia Monteau Moore, Administrator, Property Assessment Division, Department of Revenue (DOR)

#### EXHIBIT(tah65a04)

Informational Testimony: None

#### Questions from Committee Members and Responses:

01:07:32 Rep. Pomnichowski

01:08:31 CA Daw, DOR

01:08:42 Rep. Pomnichowski

01:08:50 CA Daw, DOR

01:09:02 Chair Miller

01:10:26 Rep. Pomnichowski

01:10:33 CA Daw, DOR

01:11:43 Rep. White

01:11:48 Cynthia Monteau Moore, DOR

01:14:11 Rep. White

01:16:19 Cynthia Monteau Moore, DOR

01:16:25 Rep. Coffin

01:18:19 Rep. Wagoner  
01:19:51 Rep. Coffin  
01:19:54 Rep. Wagoner  
01:21:30 Rep. Coffin  
01:21:34 Rep. Wagoner  
01:21:55 Rep. Randall  
01:22:00 Cynthia Monteau Moore, DOR  
01:24:44 Rep. Randall  
01:25:29 Cynthia Monteau Moore, DOR  
01:26:30 Rep. Randall  
01:26:37 Cynthia Monteau Moore, DOR

**Closing by Sponsor:**

01:26:44 Rep. Wagoner

**HEARING ON SB 231**

**Opening Statement by Sponsor:**

01:39:03 Sen. Shannon Augare (D), SD 8, opened the hearing on SB 231, Revise tax exemption laws regarding tribal recreational property.

**Proponents' Testimony:**

01:43:09 Shane Morigeau, Confederated Salish and Kootenai Tribe (CSKT)

**EXHIBIT(tah65a05)**

**EXHIBIT(tah65a06)**

01:48:17 Cynthia Monteau Moore, DOR

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:49:27 Rep. Hansen

01:49:34 Sen. Augare

01:50:38 Rep. Hansen

01:50:45 Sen. Augare

**Closing by Sponsor:**

01:50:59 Sen. Augare

**HEARING ON HB 618**

**Opening Statement by Sponsor:**

01:51:12 Rep. Tom Jacobson (D), HD 25, opened the hearing on HB 618, Revise tax lien, sale, and title provisions re primary residence tax delinquency.

**Proponents' Testimony:**

02:06:02 Rep. Warburton

02:08:30 Alec Hanson, Montana League of Cities and Towns (MLCT)

02:13:13 Claudia Clifford, Advocacy Director, American Association of Retired Persons (AARP)  
 02:14:51 Kate Cholewa, City of Missoula

**Opponents' Testimony:**

02:15:33 Rhonda Wiggers, Montana County Treasurer's Association (MCTA)

**EXHIBIT(tah65a07)**

02:34:03 Stuart Doggett, Montana Land Title Association

02:36:55 Harold Blattie, MACo

**EXHIBIT(tah65a08)**

**EXHIBIT(tah65a09)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:39:11 Rep. Schwaderer  
 02:40:45 Harold Blattie, MACo  
 02:40:53 Rhonda Wiggers, MCTA  
 02:42:17 Rep. Wilson  
 02:43:27 Rep. Jacobson  
 02:45:15 Rep. Hoven  
 02:45:22 Rhonda Wiggers, MCTA  
 02:48:18 Rep. Miller  
 02:48:29 Rhonda Wiggers, MCTA  
 02:48:52 Rep. Hansen  
 02:50:04 Rep. Jacobson  
 02:51:06 Rep. Hansen  
 02:51:29 Rep. Jacobson  
 02:52:07 Rep. Hansen  
 02:53:35 Rep. Jacobson  
 02:54:27 Rep. Hansen  
 02:55:07 Rhonda Wiggers, MCTA  
 02:55:49 Rep. Coffin  
 02:56:52 Rep. Jacobson  
 02:57:31 Rep. Coffin

**Closing by Sponsor:**

02:57:53 Rep. Jacobson  
 03:01:44 Chair Miller

**EXECUTIVE ACTION ON HB 592**

03:11:30 **Motion:** Rep. Flynn moved that **HB 592 BE CONCURRED IN.**

**Discussion:**

03:11:42 Rep. Pomnichowski  
 03:12:08 Rep. Flynn withdrew his motion.

**EXECUTIVE ACTION ON HB 593**

03:12:18 **Motion:** Rep. Flynn moved that **HB 593 DO PASS.**

**Discussion:**

03:12:30 Rep. Redfield  
03:12:47 Rep. Randall  
03:13:31 Rep. Flynn  
03:14:09 Rep. Hoven  
03:14:56 Rep. Coffin  
03:16:18 Rep. Pomnichowski  
03:19:51 Chair Miller  
03:19:56 Megan Moore, LSD

03:20:10 **Vote:** Motion carried 19-1 by roll call vote with Rep. Pomnichowski voting no. Rep. Williams voted by proxy.

**EXECUTIVE ACTION ON HB 592**

03:20:20 **Motion:** Rep. Flynn moved that **HB 592 DO PASS.**

03:20:30 **Motion/Vote:** Rep. Pomnichowski moved that **HB 592 BE AMENDED.** Motion carried 19-1 by voice vote with Rep. Zolnikov voting no. Rep. Williams voted by proxy.

**EXHIBIT(tah65a10)**

03:22:59 **Motion:** Rep. Flynn moved that **HB 592 BE AMENDED.**

03:23:08 **Motion:** Rep. Hoven moved that **HB 592 BE AMENDED.**

**EXHIBIT(tah65a11)****Discussion:**

03:24:18 Chair Miller

03:24:23 **Vote:** Motion carried 19-1 by voice vote with Rep. Zolnikov voting no. Rep. Williams voted by proxy.

03:24:32 **Motion:** Rep. Flynn moved that **HB 592 DO PASS AS AMENDED.**

**Discussion:**

03:24:43 Rep. Hoven

03:27:39 **Vote:** Motion failed 10-10 by roll call vote with Rep. Coffin, Rep. Jacobson, Rep. Lavin, Rep. Lieser, Rep. McClafferty, Rep. McNally, Rep. Pomnichowski, Rep. Schwaderer, Rep. Williams and Rep. Wilson voting aye. Rep. Williams voted by proxy.

03:27:44 **Motion/Vote:** Rep. Flynn moved that **HB 592 BE TABLED.** Motion carried unanimously by voice vote. Rep. Williams voted by proxy.

**EXECUTIVE ACTION ON HB 618**

03:28:02 **Motion:** Rep. Flynn moved that **HB 618 DO PASS.**

**Discussion:**

03:28:14 Rep. Hansen  
03:32:17 Rep. Schwaderer  
03:33:29 Rep. Coffin  
03:34:11 Rep. Jacobson  
03:34:37 Megan Moore, LSD  
03:35:01 Rep. Jacobson  
03:37:38 Rep. Hoven  
03:38:34 Chair Miller

03:38:40 **Vote:** Motion failed 9-11 by roll call vote with Rep. Coffin, Rep. Hoven, Rep. Jacobson, Rep. Lieser, Rep. McClafferty, Rep. McNally, Rep. Pomnichowski, Rep. Williams and Rep. Wilson voting aye. Rep. Williams voted by proxy.

03:39:27 **Motion/Vote:** Rep. Flynn moved that **HB 618 BE TABLED.** Motion carried 19-1 by voice vote with Rep. Williams voting no.

**EXECUTIVE ACTION ON SB 56**

03:39:48 **Motion:** Rep. Flynn moved that **SB 56 BE CONCURRED IN.**

**Discussion:**

03:39:55 Chair Miller  
03:40:27 **Motion:** Rep. White moved that **SB 56 BE AMENDED.**  
**EXHIBIT(tah65a12)**

**Discussion:**

03:41:34 Megan Moore, LSD  
03:41:41 Rep. White clarified his motion.  
03:41:52 Rep. Pomnichowski

03:42:33 **Vote:** Motion carried unanimously by voice vote. Rep. Williams voted by proxy.

03:42:44 **Motion:** Rep. Flynn moved that **SB 56 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:42:51 Rep. White  
03:44:57 Rep. Flynn  
03:45:22 Harold Blattie, MAco

03:46:33 **Vote:** Motion carried 12-8 by roll call vote with Rep. Flynn, Rep. Galt, Rep. Knudsen, Rep. Lavin, Rep. Miller, Rep. Randall, Rep. Wilson and Rep. Zolnikov voting no. Rep. White will carry the bill.

**EXECUTIVE ACTION ON HB 468**

03:46:40     **Motion:** Rep. Flynn moved that **HB 468 DO PASS.**

03:47:33     **Motion:** Rep. Flynn moved that **HB 468 BE AMENDED.**  
**EXHIBIT(tah65a13)**

**Discussion:**

03:48:04     Megan Moore, LSD

03:50:10     Rep. Flynn

03:50:40     Megan Moore, LSD

03:50:54     Rep. Flynn

03:51:10     Rep. Pomnichowski

03:52:20     Rep. Schwaderer

03:52:49     Rep. Coffin

03:53:03     **Vote:** Motion failed 10-10 by voice vote with Rep. Flynn, Rep. Galt, Rep. Hoven, Rep. Jacobson, Rep. Lavin, Rep. Lieser, Rep. McClafferty, Rep. Miller, Rep. Schwaderer and Rep. Wilson voting aye. Rep. Williams voted by proxy.

03:54:00     Rep. Pomnichowski

03:54:41     **Substitute Motion/Vote:** Rep. Flynn made a substitute motion that **HB 468 BE TABLED.** Substitute Motion carried unanimously by voice vote. Rep. Williams voted by proxy.

**ADJOURNMENT**

Adjournment: 03:56:04

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Rebecca Shaw, Secretary

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Additional Documents:

**EXHIBIT([tah65aad.pdf](#))**