

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Bruce Tutvedt, on March 15, 2013 at 9:00 AM, in Room 405 Capitol

#### ROLL CALL

**Members Present:**

Sen. Bruce Tutvedt, Chair (R)  
Sen. Fred Thomas, Vice Chair (R)  
Sen. Ron Arthun (R)  
Sen. Dick Barrett (D)  
Sen. Greg Jergeson (D)  
Sen. Christine Kaufmann (D)  
Sen. Sue Malek (D)  
Sen. Jim Peterson (R)  
Sen. Mike Phillips (D)  
Sen. Janna Taylor (R)

**Members Excused:** Sen. Jeff Essmann (R)  
Sen. Art Wittich (R)

**Members Absent:** None

**Staff Present:** Jaret Coles, Legislative Branch  
Charlene Rich, 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:** HB 195, Be Concurred in.  
SB 369, Do Pass.  
SB 295, Tabled.  
SB 208, Tabled.  
SB 379, Tabled.

**EXECUTIVE ACTION ON HB 195**

00:06:21 **Motion:** Sen. Dick Barrett moved that **HB 195 BE CONCURRED IN.**

00:06:30 **Motion:** Sen. Phillips moved that **HB 195 BE AMENDED.**  
[EXHIBIT\(tas56a01\)](#)

**Discussion:**

00:07:07 Jaret Coles, Legislative Services Division (LSD)

00:08:14 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:08:52 **Motion/Vote:** Sen. Dick Barrett moved that **HB 195 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote by all those present and voting. Sen. Tutvedt will carry the bill.

**EXECUTIVE ACTION ON SB 369**

00:09:33 **Motion:** Sen. Thomas moved that **SB 369 DO PASS.**

00:10:10 **Motion:** Sen. Thomas moved that **SB 369 BE AMENDED.**  
[EXHIBIT\(tas56a02\)](#)

**Discussion:**

00:10:44 Jaret Coles, LSD

00:15:11 Shawn Thomas, Department of Natural Resources and Conservation, DNRC

00:15:43 Sen. Phillips

00:16:21 Sen. Malek

00:17:37 Chairman Tutvedt

00:17:45 Sen. Malek

00:17:51 Shawn Thomas, DNRC

00:18:43 Sen. Thomas

00:21:59 Shawn Thomas

00:22:53 Sen. Barrett

00:23:40 Shawn Thomas

00:24:12 Sen. Malek

00:25:44 Shawn Thomas

00:26:00 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:26:39 **Motion:** Sen. Thomas moved that **SB 369 BE AMENDED.**  
[EXHIBIT\(tas56a03\)](#)

**Discussion:**

00:27:21 Jaret Coles

00:28:09 Shawn Thomas

00:29:00 Sen. Thomas left the hearing.  
00:29:08 Sen. Barrett  
00:29:46 Shawn Thomas  
00:30:35 Chairman Tutvedt

00:30:57 **Vote:** Motion carried unanimously by voice vote of those present and voting.

00:31:24 **Motion** Sen. Jergeson moved that **SB 369 DO PASS AS AMENDED.**

**Discussion:**

00:32:42 Sen. Barrett  
00:33:59 Shawn Thomas  
00:35:10 Sen. Barrett

00:35:39 **Vote:** Motion carried unanimously by voice vote of those present and voting.

**EXECUTIVE ACTION ON SB 295**

00:36:02 **Motion:** Sen. Kaufmann moved that **SB 295 DO PASS.**

00:36:44 **Motion/Vote:** Sen. Kaufmann moved that **SB 295 BE AMENDED.** Motion carried unanimously by voice vote of those present and voting.

[EXHIBIT\(tas56a04\)](#)

00:38:15 **Motion:** Sen. Jergeson moved that **SB 295 BE AMENDED.**

[EXHIBIT\(tas56a05\)](#)

**Discussion:**

00:40:07 Sen. Jergeson  
00:42:15 Chairman Tutvedt  
00:42:20 Sen. Jergeson  
00:43:33 Jaret Coles  
00:45:09 Sen. Peterson  
00:45:24 Sen. Kaufmann  
00:46:15 Sen. Malek

00:48:26 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting aye. Sen. Essmann, Sen. Thomas and Sen. Wittich voted by proxy.

00:48:59 **Motion:** Sen. Jergeson moved that **SB 295 BE AMENDED.**

[EXHIBIT\(tas56a06\)](#)

**Discussion:**

00:51:18 Chairman Tutvedt  
00:52:25 Sen. Peterson  
00:52:54 Sen. Kaufmann

00:53:35 Sen. Phillips  
00:54:29 Sen. Jergeson  
00:54:52 Sen. Kaufmann  
00:55:13 Sen. Jergeson  
00:56:00 Sen. Barrett

00:57:22 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting aye. Sen. Essmann, Sen. Thomas and Sen. Wittich voted by proxy.

00:57:44 **Motion:** Sen. Kaufmann moved that **SB 295 BE AMENDED.**  
[EXHIBIT\(tas56a07\)](#)

**Discussion:**

00:59:44 Sen. Peterson  
00:59:49 Sen. Kaufmann  
01:00:11 Sen. Jergeson  
01:01:36 Sen. Barrett  
01:02:07 Mark Haggerty, Headwaters Economics (HE)

[EXHIBIT\(tas56a08\)](#)

01:07:35 Sen. Barrett  
01:07:53 Sen. Phillips  
01:08:11 Mark Haggerty, HE  
01:09:50 Sen. Phillips  
01:10:07 Mark Haggerty  
01:10:13 Sen. Arthun  
01:10:43 Mark Haggerty  
01:11:18 Sen. Barrett  
01:11:55 Mark Haggerty  
01:12:39 Sen. Barrett  
01:12:49 Dave Galt, Montana Petroleum Association (MPA)  
01:13:00 Sen. Thomas entered the hearing.  
01:14:30 Sen. Phillips  
01:14:51 Dave Galt  
01:16:51 Sen. Peterson  
01:17:01 Sen. Jergeson

01:18:15 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting aye. Sen. Essmann and Sen. Wittich voted by proxy.

01:19:06 **Motion:** Sen. Kaufmann moved that **SB 295 DO PASS AS AMENDED.**

**Discussion:**

01:22:15 Chairman Tutvedt  
01:23:03 Sen. Phillips  
01:25:00 Sen. Thomas

01:26:53 Sen. Malek  
01:28:36 Sen. Arthun  
01:29:01 Sen Peterson  
01:30:09 Sen. Kaufmann  
01:32:35 Sen. Phillips

01:33:38 **Substitute Motion/Vote:** Sen. Thomas made a substitute motion that **SB 295 BE TABLED**. Substitute Motion carried 7-5 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting no. Sen. Essmann and Sen. Wittich voted by proxy.

#### **EXECUTIVE ACTION ON SB 208**

01:36:18 **Motion:** Sen. Dick Barrett moved that **SB 208 DO PASS**.

#### **Discussion:**

01:39:02 Sen. Malek

01:40:36 **Substitute Motion/Vote:** Sen. Arthun made a substitute motion that **SB 208 BE TABLED**. Substitute motion carried 7-5 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting no. Sen. Essmann and Sen. Wittich voted by proxy.

#### **EXECUTIVE ACTION ON SB 280**

01:41:58 **Motion:** Sen. Thomas moved that **SB 280 DO PASS**.

01:42:39 **Motion/Vote:** Sen. Thomas moved that **SB 280 BE AMENDED**. Motion carried unanimously by voice vote of those present and voting.

[EXHIBIT\(tas56a09\)](#)

01:43:41 **Motion:** Sen. Dick Barrett moved that **SB 280 BE AMENDED**.

[EXHIBIT\(tas56a10\)](#)

#### **Discussion:**

01:45:05 Sen. Thomas  
01:45:49 Sen. Barrett  
01:48:02 Sen. Malek  
01:48:44 Dan Whyte, Department of Revenue (DOR)

[EXHIBIT\(tas56a11\)](#)

[EXHIBIT\(tas56a12\)](#)

01:53:58 Sen. Malek  
01:55:13 Sen. Jergeson  
01:57:55 Sen. Thomas  
01:58:55 Sen. Jergeson  
01:59:23 Sen. Barrett  
01:59:55 Sen. Phillips

- 02:00:38 Sen. Malek  
02:03:19 Sen. Thomas  
02:03:44 Chairman Tutvedt
- 02:04:03 **Substitute Motion/Vote:** Sen. Jergeson made a substitute motion to adjourn the meeting. Substitute motion failed 3-9 by roll call vote with Sen. Jergeson, Sen. Kaufmann and Sen. Malek voting aye. Sen. Essmann and Sen. Wittich voted by proxy.
- 02:05:44 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting aye. Sen. Essmann and Sen. Wittich voted by proxy (on motion to amend).
- 02:07:07 **Motion:** Sen. Malek made a substitute motion to delay action on SB 280.

**Discussion:**

- 02:08:08 Chairman Tutvedt  
02:08:57 Sen. Peterson
- 02:09:56 Without objection from the committee, further action was delayed on SB 280.
- 02:10:09 Brief Recess
- 02:29:30 Reconvened

**EXECUTIVE ACTION ON SB 379**

- 02:29:38 **Motion:** Sen. Kaufmann moved that **SB 379 DO PASS.**
- 02:29:56 **Motion:** Sen. Kaufmann moved that **SB 379 BE AMENDED.**  
[EXHIBIT\(tas56a13\)](#)

**Discussion:**

- 02:32:06 Sen. Kaufmann
- 02:33:35 **Vote:** Motion carried unanimously by voice vote of those present and voting.
- 02:33:57 **Motion:** Sen. Kaufmann moved that **SB 379 DO PASS AS AMENDED.**

**Discussion:**

- 02:35:38 Sen. Jergeson  
02:38:33 Sen. Thomas  
02:41:30 Sen. Barrett  
02:43:18 Sen. Malek  
02:43:52 Sen. Thomas  
02:46:24 Chairman Tutvedt  
02:47:40 Sen. Peterson

02:48:39 Sen. Barrett

02:49:06 Sen. Kaufmann

02:50:46 **Vote:** Motion failed 5-7 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting aye. Sen. Essmann and Sen. Wittich voted by proxy.

02:51:42 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**ADJOURNMENT**

Adjournment: 11:49

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Charlene Rich, Secretary

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Additional Documents:

**EXHIBIT([tas56aad.pdf](#))**