

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Bruce Tutvedt, on March 19, 2013 at 8:00 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. Janna Taylor (R)

**Members Excused:** Sen. Mike Phillips (D)  
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:**

Hearing & Date Posted: HB 373, 3/12/2013; SR 20, 3/12/2013

**Executive Action:** SB 287, Table  
SB 378, Table  
SB 318, Table  
SB 309, Table  
SR 20, Be Adopted

**HEARING ON HB 373****Opening Statement by Sponsor:**

00:15:09 Rep. Scott Reichner (R), HD 9, opened the hearing on HB 373, Revise property tax laws.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

00:33:15 Jim Standaert, Legislative Fiscal Division (LFD)  
[EXHIBIT\(tas59a01\)](#)

**Questions from Committee Members and Responses:**

00:23:51 Sen. Barrett  
00:25:38 Jim Standaert, LFD  
00:25:49 Chairman Tutvedt  
00:26:08 Jim Standaert  
00:28:57 Sen. Thomas  
00:29:57 Jim Standaert  
00:30:23 Sen. Jergeson  
00:30:44 Jim Standaert  
00:31:35 Sen. Jergeson  
00:32:05 Rep. Reichner  
00:34:21 Sen. Taylor  
00:35:07 Jim Standaert  
00:35:27 Sen. Taylor  
00:35:43 Chairman Tutvedt  
00:37:23 Jim Standaert  
00:38:13 Sen. Barrett  
00:39:26 Jim Standaert  
00:40:23 Sen. Malek  
00:42:19 Jim Standaert  
00:42:53 Sen. Thomas

**Closing by Sponsor:**

00:43:17 Rep. Reichner  
00:44:09 Sen. Phillips entered the hearing.

**HEARING ON SR 20****Opening Statement by Sponsor:**

00:44:54 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SR 20, Confirm appointee to State Tax Appeals Board.

00:46:24 Dave McAlpin, appointee, State Tax Appeal Board (STAB)  
[EXHIBIT\(tas59a02\)](#)

**Proponents' Testimony:**

00:47:49 Mark Baker, Self

00:49:40 Karen Powell, State Tax Appeal Board (STAB)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:50:30 Sen. Taylor

00:51:06 Dave McAlpin, STAB

00:51:18 Sen. Barrett

00:52:39 Dave McAlpin

00:53:43 Sen. Thomas

00:57:22 Dave McAlpin

**Closing by Sponsor:**

00:58:01 Chairman Tutvedt

00:59:35 **Motion/Vote:** Sen. Thomas moved that **SR 20 BE ADOPTED**. Motion carried unanimously by voice vote of all those present and voting.

**EXECUTIVE ACTION ON SB 378**

01:00:19 **Motion:** Sen. Kaufmann moved that **SB 378 DO PASS**.

**Discussion:**

01:02:30 Sen. Barrett

01:03:47 Sen. Jergeson

01:04:39 Sen. Malek

01:05:56 Sen. Phillips

01:07:17 Sen. Arthun

01:07:45 Sen. Thomas

01:10:00 Sen. Malek

01:11:26 Sen. Jergeson

01:12:37 Sen. Thomas

01:14:12 Sen. Kaufmann

01:14:48 **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.

01:15:00 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**EXECUTIVE ACTION ON SB 318**

01:16:53 **Motion:** Sen. Dick Barrett moved that **SB 318 DO PASS.**

**Discussion:**

01:17:12 Sen. Barrett

01:19:09 Chairman Tutvedt

01:20:04 Sen. Barrett

01:21:18 Sen. Phillips

01:22:21 **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.

00:23:00 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**EXECUTIVE ACTION ON SB 309**

01:23:58 **Motion:** Sen. Dick Barrett moved that **SB 309 DO PASS.**

**Discussion:**

01:26:38 Chairman Tutvedt

01:27:34 Sen. Barrett

01:30:47 Sen. Arthun

01:32:25 Sen. Barrett

01:33:01 Sen. Phillips

01:34:00 **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.

01:35:02 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**EXECUTIVE ACTION ON SB 287**

01:36:39 **Motion:** Sen. Dick Barrett moved that **SB 287 DO PASS.**

**Discussion:**

01:37:20 Sen. Barrett  
 01:42:55 Sen. Jergeson  
 01:43:08 Chairman Tutvedt  
 01:43:31 Sen. Barrett  
 01:44:35 Sen. Jergeson  
 01:45:09 Sen. Arthun  
 01:45:25 Sen. Barrett  
 01:47:32 Chairman Tutvedt  
 01:47:46 Sen. Barrett  
 01:48:26 Sen. Phillips  
 01:53:43 Sen. Barrett  
 01:53:57 Chairman Tutvedt  
 01:54:14 Sen. Arthun  
 01:54:27 Sen. Barrett

01:55:02 **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.

01:56:43 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**EXECUTIVE ACTION ON SB 282**

01:57:43 **Motion:** Sen. Thomas moved that **SB 282 DO PASS.**

01:58:01 **Motion:** Sen. Thomas moved that **SB 282 BE AMENDED.**  
[EXHIBIT\(tas59a03\)](#)

**Discussion:**

01:59:25 Sen. Barrett  
 01:59:38 Sen. Jergeson  
 02:01:00 Sen. Peterson  
 02:01:55 Sen. Peterson and Sen. Malek left the hearing.  
 02:02:03 Sen. Kaufmann  
 02:03:01 Sen. Arthun

02:04:11 **Vote:** Motion carried 7-5 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Phillips voting no. Sen. Essmann, Sen. Malek, Sen. Peterson and Sen. Wittich voted by proxy.

02:05:16 **Motion:** Sen. Thomas moved that **SB 282 BE AMENDED.**  
[EXHIBIT\(tas59a04\)](#)

**Discussion:**

02:06:12 Jaret Coles, Legislative Service Division (LSD)

02:07:00 Sen. Malek and Sen. Peterson entered the hearing.  
02:08:06 Chairman Tutvedt  
02:08:12 Sen. Jergeson

02:09:00 **Vote:** Motion carried unanimously by voice vote of all those present and voting.

02:10:06 Brief Recess  
02:25:17 Reconvened

**Discussion:**

02:26:01 Sen. Barrett

02:26:28 **Motion:** Sen. Peterson moved that **SB 282 BE AMENDED.**  
[EXHIBIT\(tas59a05\)](#)

**Discussion:**

02:27:03 Jaret Coles, LSD  
02:27:48 Chairman Tutvedt  
02:28:41 Sen. Jergeson  
02:28:56 Chairman Tutvedt  
02:30:21 Sen. Jergeson  
02:31:40 Sen. Malek  
02:32:38 Chairman Tutvedt  
02:32:55 Sen. Malek  
02:33:08 Jaret Coles,  
02:34:49 Sen. Barrett

02:35:12 **Vote:** Motion carried 11-1 by roll call vote with Sen. Jergeson voting no.  
Sen. Essmann and Sen. Wittich voted by proxy.

02:37:04 **Motion:** Sen. Thomas moved that **SB 282 BE AMENDED.**  
[EXHIBIT\(tas59a06\)](#)

**Discussion:**

02:38:36 Jaret Coles  
02:40:43 Sen. Jergeson  
02:41:44 Jaret Coles  
02:41:54 Gene Walborn, Department of Revenue (DOR)  
02:42:40 Sen. Jergeson  
02:42:48 Gene Walborn, DOR

02:43:15 **Vote:** Motion carried unanimously by voice vote of all those present and voting.

02:44:27 **Motion:** Sen. Thomas moved that **SB 282 BE AMENDED.**  
[EXHIBIT\(tas59a07\)](#)

**Discussion:**

02:45:08 Jaret Coles  
02:52:16 Sen. Barrett  
02:53:53 Chairman Tutvedt  
02:54:19 Sen. Barrett  
02:56:05 Gene Walborn  
02:56:55 Sen. Barrett  
02:57:10 Chairman Tutvedt  
02:57:51 Jaret Coles

02:58:39 **Vote:** Motion carried unanimously by voice vote of all those present and voting.

02:59:06 Without objection from the committee, Chairman Tutvedt asked that the DO PASS motion be withdrawn and further action postponed until a later date.

02:59:34 Jaret Coles

**Committee Business:**

03:01:22 Karen Powell, State Tax Appeal board (STAB)  
[EXHIBIT\(tas59a08\)](#)

03:17:00 Sen. Peterson  
03:19:32 Karen Powell, STAB  
03:25:25 Sen. Peterson  
03:26:28 Sen. Jergeson  
03:27:48 Karen Powell

**ADJOURNMENT:**

Adjournment: 11:23 A. M.

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Charlene Rich, Secretary

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Additional Documents:

**EXHIBIT([tas59aad.pdf](#))**