

## MINUTES

### MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON TAXATION

**Call to Order:** Chair Bruce Tutvedt, on March 27, 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. Sue Malek (D)  
Sen. Jim Peterson (R)  
Sen. Janna Taylor (R)

**Members Excused:** Sen. Jeff Essmann (R)  
Sen. Art Wittich (R)  
Sen. Mike Phillips (D)  
Sen. Christine Kaufmann (D)

**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 153, 3/21/2013. HB 19, 3/23/2013

**Executive Action:** SB 398, Do Pass as Amended  
SB 282, Do Pass as Amended  
SB 394, Do Pass  
SB 4, Tabled  
SB 170, Tabled  
SB 399, Tabled  
SB 385, Tabled  
SB 389, Tabled  
SB 382, Tabled

**HEARING ON HB 19****Opening Statement by Sponsor:**

00:25:16 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HB 19, Revise penalty and interest provisions related to tax law enforcement.

**Proponents' Testimony:**

00:27:15 George Olsen, Montana Society of Certified Public Accountants (MSCPA)

00:31:11 Sen. Kaufmann entered the hearing.

00:31:32 Gene Walborn, Department of Revenue (DOR)

**[EXHIBIT\(tas66a01\)](#)**

00:42:45 Holly Franz, Montana Society of Certified Public Accountants (MSCPA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:44:57 Sen. Arthun

00:45:02 Gene Walborn, DOR

00:45:56 Sen. Thomas

00:50:03 Gene Walborn

00:50:45 Sen. Arthun

00:52:18 Gene Walborn

00:52:39 Sen. Thomas

00:54:31 Gene Walborn

00:56:58 Sen. Barrett

00:57:41 Gene Walborn

00:59:10 Sen. Barrett

00:59:22 Chairman Tutvedt

00:59:48 Gene Walborn

**Closing by Sponsor:**

01:00:08 Rep. Hollandsworth

**HEARING ON HB 153****Opening Statement by Sponsor:**

01:01:43 Rep. Steve Gibson (R), HD 78, opened the hearing on HB 153, Provide income tax credits for employing and retaining veterans.

**Proponents' Testimony:**

01:04:50 Jim Higgins, Montana National Guard Association (ARNG)  
01:07:34 Gary White, American Legion of Montana and Disabled American Veterans (DAV)  
01:08:09 Ronda Wiggers, Great Falls Area Chamber of Commerce (GFACC) and Helena Chamber of Commerce (HACC)  
01:09:21 Jessica Nolan, Montana Chamber of Commerce (MCC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:10:16 Rep. Gibson  
01:14:50 Recess  
02:24:52 Reconvened

**Note:** Sen. Barrett, Sen. Essmann, Sen. Phillips and Sen. Wittich were excused.

**EXECUTIVE ACTION ON SB 398**

02:25:46 **Motion:** Sen. Peterson moved that **SB 398 DO PASS.**  
02:26:14 Sen. Tutvedt moved that **SB 398 BE AMENDED CONCEPTUALLY.**

**Discussion:**

02:26:29 Jaret Coles, Legislative Services Division (LSD)  
02:33:49 **Vote:** Motion carried unanimously by voice vote of those present and voting.

**Discussion:**

02:29:42 Sen. Taylor  
02:30:28 Chairman Tutvedt  
02:31:01 Sen. Thomas  
02:31:32 Jaret Coles, LSD  
02:33:55 Chairman Tutvedt  
02:35:14 Sen. Thomas  
02:36:40 Sen. Jergeson  
02:38:39 Sen. Taylor  
02:38:43 Chairman Tutvedt

02:39:36 **Motion/Vote:** Sen. Thomas moved that **SB 398 DO PASS AS AMENDED**. Motion carried 8-0 by voice vote of those present and voting. Sen. Essmann, Sen. Barrett, Sen. Phillips and Sen. Wittich were excused.

#### EXECUTIVE ACTION ON SB 4

02:40:23 **Motion/Vote:** Sen. Peterson moved that **SB 4 BE TABLED**. Motion carried 8-0 by voice vote. Sen. Barrett, Sen. Essmann, Sen. Phillips and Sen. Wittich were excused.

Note: Sen. Taylor left the hearing.

#### EXECUTIVE ACTION ON SB 282

##### Discussion:

02:40:49 Sen. Kaufmann  
02:41:07 Sen. Peterson  
02:41:18 Chairman Tutvedt  
02:41:30 Sen. Kaufmann

02:41:50 **Motion:** Sen. Thomas moved that **SB 282 DO PASS AS AMENDED** (previously amended on 3/19/2013).

##### Discussion:

02:42:17 Sen. Malek  
02:42: Chairman Turvedt

[EXHIBIT\(tas66a02\)](#)

02:42:54 Sen Thomas moved that **SB 282 BE AMENDED**.  
[EXHIBIT\(tas66a03\)](#)

##### Discussion:

02:44:02 Jaret Coles

02:45:28 Without objection from the committee, Sen. Thomas withdrew the BE AMENDED motion.

02:46:01 **Motion/Vote:** Sen. Thomas moved to **STRIKE AMENDMENT SB028202.AJC**. (adopted on 03/19/2013). Motion carried 10-1 by roll call vote with Sen. Malek voting no. Sen. Barrett, Sen. Essmann, Sen. Taylor and Sen. Wittich voted by proxy. Sen. Phillips was excused.

02:48:43 Sen. Thomas moved that **SB 282 BE AMENDED** (Exhibit 3).

##### Discussion:

02:44:14 Jaret Coles

02:45:01 **Vote:** Motion carried unanimously by voice vote of those present and voting.

02:47:15 **Motion:** Sen. Thomas moved that **SB 282 DO PASS AS AMENDED.**

**Discussion:**

02:51:02 Sen. Malek  
02:52:13 Sen. Kaufmann  
02:53:27 Sen. Jergeson  
02:57:41 Sen. Thomas

02:59:13 **Vote:** Motion carried 7-4 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann and Sen. Malek voting no. Sen. Barrett, Sen. Essmann, Sen. Taylor and Sen. Wittich voted by proxy. Sen. Phillips was excused.

**EXECUTIVE ACTION ON SB 394**

03:01:32 **Motion:** Sen. Thomas moved that **SB 394 DO PASS.**

**Discussion:**

03:02:14 Chairman Tutvedt  
03:02:43 Sen. Kaufmann  
03:03:18 Sen. Malek  
03:03:21 Sen. Thomas  
03:04:07 Sen. Kaufmann  
03:05:41 Sen. Jergeson

03:06:45 **Vote:** Motion carried 7-4 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann and Sen. Malek voting no. Sen. Barrett, Sen. Essmann, Sen. Taylor and Sen. Wittich voted by proxy. Sen. Phillips was excused.

**EXECUTIVE ACTION ON SB 170**

03:09:10 **Motion/Vote:** Sen. Arthun moved that **SB 170 BE TABLED.** Motion carried 7-1 by voice vote with Sen. Wittich voting no. Sen. Wittich voted by proxy. Sen. Barrett, Sen. Essmann, Sen. Phillips and Sen. Taylor were excused.

**EXECUTIVE ACTION ON SB 399**

03:10:11 **Motion/Vote:** Sen. Thomas moved that **SB 399 BE TABLED.** Motion carried 5-3 by voice vote with Sen. Barrett, Sen. Kaufmann and Sen. Malek voting no. Sen. Barrett voted by proxy. Sen. Essmann, Sen. Phillips, Sen. Taylor and Sen. Wittich were excused.

**EXHIBIT**(tas66a04)

**EXECUTIVE ACTION ON SB 385**

03:12:05 **Motion/Vote:** Sen. Peterson moved that **SB 385 BE TABLED**. Motion carried unanimously by voice vote of those present and voting.

**EXECUTIVE ACTION ON SB 388**

03:13:15 **Motion:** Sen. Thomas moved that **SB 388 DO PASS**.

03:13:27 **Substitute Motion/Vote:** Sen. Kaufmann made a substitute motion that **SB 388 BE TABLED**. Substitute Motion carried 6-1 by voice vote with Sen. Arthun voting no. Sen. Barrett, Sen. Essmann, Sen. Phillips, Sen. Taylor and Sen. Wittich were excused.

**EXECUTIVE ACTION ON SB 389**

03:14:30 **Motion:** Sen. Thomas moved that **SB 389 DO PASS**.

03:15:31 **Substitute Motion/Vote:** Sen. Jergeson made a substitute motion that **SB 389 BE TABLED**. Substitute motion carried unanimously by voice vote of those present and voting.

**EXECUTIVE ACTION ON SB 382**

03:16:06 **Motion:** Sen. Kaufmann moved that **SB 382 DO PASS**.

**Discussion:**

03:17:00 Sen. Peterson  
03:18:38 Sen. Malek  
03:20:16 Sen. Kaufmann  
03:20:47 Sen. Peterson  
03:23:42 Sen. Jergeson  
03:25:00 Sen. Thomas  
03:26:06 Sen. Malek

03:26:27 **Vote:** Motion failed 5-6 by roll call vote with Sen. Barrett, Sen. Jergeson, Sen. Kaufmann, Sen. Malek and Sen. Tutvedt voting aye. Sen. Barrett, Sen. Essmann, Sen. Taylor and Sen. Wittich voted by proxy. Sen. Phillips was excused.

03:27:54 Without objection from the committee, Sen. Tutvedt requested that the vote be reversed and the bill tabled.

**Committee Discussion:**

03:28:58 Sen. Malek  
03:29:02 Jaret Coles

**ADJOURNMENT**

Adjournment: 11:09 am

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Charlene Rich, Secretary

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Additional Documents:

**EXHIBIT([tas66aad.pdf](#))**