

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN ROSALIE (ROSIE) BUZZAS**, on March 16,
2005 at 8:00 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Rosalie (Rosie) Buzzas, Chairman (D)
Rep. Carol C. Juneau, Vice Chairman (D)
Rep. John E. Witt, Vice Chairman (R)
Rep. Tim Callahan (D)
Rep. Eve Franklin (D)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Verdell Jackson (R)
Rep. Joey Jayne (D)
Rep. Christine Kaufmann (D)
Rep. Ralph L. Lenhart (D)
Rep. Walter McNutt (R)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Janna Taylor (R)
Rep. Jack Wells (R)

Members Excused: Rep. Bill E. Glaser (R)
Rep. Jon C. Sesso (D)

Members Absent: Rep. John Sinrud (R)

Staff Present: Marcy McLean, Committee Secretary
Laura Dillon, Committee Secretary
Jon Moe, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 423, 3/11/2005; HB 667,
3/11/2005; HB 669, 3/11/2005; HB
740, 3/11/2005; HB 757, 3/11/2005;
HB 773, 3/11/2005

Executive Action: HB 181; HB 148; HB 102; HB 219;
HB 414; HB 687; HB 60;

HEARING ON HB 423**Opening Statement by Sponsor:**

REP. WAYNE STAHL, HD 35, Saco, opened the hearing on **HB 423**, a bill to appropriate \$500,000 from the General Fund for grant funding for a great plains dinosaur park in Malta. He said that this money would be used for matched funding, to provide for a building and land to store the 11 dinosaurs that are currently in Phillips County. He said this includes "Leonardo," the world's best preserved dinosaur. He requested that during executive action, the Committee remove the \$500,000 appropriation because when the bill reaches the House floor, he would provide funding from another source. He told the Committee that Phillips County has never requested money from the Legislature in the past; they pay in more taxes to the State than they use. The reason they are asking for money now is to ensure that the dinosaurs will remain in Phillips County.

[EXHIBIT \(aph58a01\)](#)

Proponents' Testimony:

Nate Murphy, Curator of the Phillips County Museum, said over the past 125 years museums and universities have come to eastern Montana to collect and remove the dinosaurs from Montana. He said that the Museum of the Rockies in Bozeman has done a wonderful job, but they cannot handle everything. He said that HB 423 would establish a museum research center for education, run by a local non-profit. This center would allow us to keep these dinosaurs in Montana; HB 423 would be an "eastern Montana investment." He assured the Committee that they would not be coming back to them again asking for more money.

Doug Karachar, Hill County Commissioner, said that his county is home to several large dinosaur collections and they support a museum for Malta.

Bill Kennedy, Yellowstone County Commissioner, said that the Montana Association of Counties supports HB 423.

Sen. Sam Kitzenberg, Glasgow, said that Montana has the best preserved dinosaur in our possession, and the actions of this committee will determine whether or not it can be kept here. He said that these dinosaurs are irreplaceable and nobody wants to have to go to Japan to view them. He said "let's keep these dinosaurs in Montana."

{Tape: 1; Side: A; Approx. Time Counter: 0 - 12.7; Comments: Reps. Sinrud and Ripley entered hearing.}

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. MORGAN asked if the sponsor had any objection to bringing the fiscal note amendment back to the Committee, rather than bringing it to the House floor. **REP. STAHL** said that he would do that.

REP. TAYLOR asked if \$500,000 would be enough to get this project done. **Nate Murphy** said that for 18 months they are going to leverage the \$500,000 for other grants. He said that a lot of those grants are specifically for exhibits, but not much money for doing the bricks and mortar. They plan to buy an existing building in Malta to house the dinosaur center.

REP. JUNEAU asked how the State's tourism office and Governor Schweitzer are helping with this project. She also asked how many jobs this dinosaur museum would create. **REP. STAHL** said that the Governor is very excited about this project and said that he would help in any way that he could. He said that the tourism office has already budgeted their money for the next couple of years. He is pursuing the idea of a "dinosaur check-off" to raise funds for promoting the museum and to help other Montana communities with their dinosaurs. **Nate Murphy** said that they conducted a Community Tourism Assessment and found this to be the best project for Malta. He said that it will probably employ 8-16 people.

REP. JUNEAU said that Malta was part of a group, Northwest Area Foundation, that was working on reducing poverty in an 11-county area. She asked if this job-creation project was working with this poverty reduction group and if they would be a source of funding. **Doug Karachar** said that the money from the Northwest Area Foundation that is being directed to helping Montana, is also looking to leverage their money. He thought it was a possibility that the two projects could help each other.

Closing by Sponsor:

REP. STAHL said that he would provide an amendment to the Committee to remove the \$500,000 appropriation from the General Fund. He said that next week the Fort Peck "Peck's Rex" dinosaur would be on display in the capitol.

HEARING ON HB 667**Opening Statement by Sponsor:**

REP. DAVID WANZENRIED, HD 97, Missoula, opened the hearing on **HB 667**, a bill to create a small business health insurance pool. He said that he would give an abbreviated overview of the bill since it was just recently heard on the House floor, and provided a handout from the University of Montana that explained the program.

EXHIBIT (aph58a02)

He said that the fiscal note points out that the money to fund HB 667 would come from the I-149 tobacco tax. Estimates are that this funding would be available for at least 11 years. He said that it would be a peril to ignore the 180,000 Montanans who do not have health insurance. Many of those people are employed in jobs where the employer cannot afford to provide insurance. HB 667 would provide tax credits and premium credits to employers providing insurance, and to create and insurance pool for those employers not yet providing insurance.

Proponents' Testimony:

John Morrison, State Auditor and Insurance Commissioner, said that surveys show that not only do one in five Montanans not have health insurance, but that 80% of them are employed. Most of them work for small businesses that can't afford to provide health insurance. He said most of those businesses want to provide insurance for their employees, and HB 667 would provide them with the mechanism to do so. He said that I-149 specifically provides for the allocation of revenue to a small business health insurance assistance program. Governor Schweitzer's has allocated \$11.5 million in his budget for this program. He said that 60% of the money would go towards a health insurance pool and 40% goes towards tax relief for employers already providing insurance. He said that the tax credit would amount to about \$1,200 per employee per year.

{Tape: 1; Side: A; Approx. Time Counter: 12.7 - 32.6; Comments: End of Side A}

Jim Ahrens, Alliance for a Healthy Montana, said that the I-149 initiative will bring in about \$1.0 million dollars in tobacco tax money. He said that the Alliance worked hard to get I-149 passed and HB 667 is once piece of that initiative.

Riley Johnson, National Federation of Independent Business, (NFIB), said that this bill is directed at the heart of their organization. Of the 8,000 NFIB members in Montana, the average size is three to four employees. He said that 82% of their members are businesses with less than 10 employees. They asked their members if they would use this health insurance pool, and had the largest response to a survey that they have ever done. The members favored the ideas proposed in HB 667 by a 80-20% margin.

Tanya Ask, Blue Cross Blue Shield of Montana, said that they have supported the idea of tax credits since 2000. She said that the State studied the issue of the uninsured and healthcare costs, and recommended tax credits be given to small businesses. A subsequent study found that a large number of the uninsured are Montanans who work for small businesses. She said that providing health insurance to these employees will benefit all Montanans, since the privately insured are having to pay more in order to cover services to the uninsured.

Frank Cote, America's Health Insurance Plans, said that his group represents over 1,300 health insurance carriers. He said that his group has been looking for a solution to help the small business market over the past several years. He said that now that there is a funding source, he would hope that the legislature would pass HB 667.

Claudia Clifford, American Association of Retired Persons, (AARP), said of the 143,000 Montanans who belong to AARP, 50% of them are still in the workforce. She said that 86% of their membership, when polled, felt that affordable healthcare was their top legislative concern.

Jason Todhunter, Montana Logging Association, said that his group is comprised of 600 businesses, with an average of five to seven employees. He said that his association has had a health plan for over 26 years, and they feel that HB 667 will help their members.

Webb Brown, Montana Chamber of Commerce, said that they started a health insurance plan this past year, and currently have 1,000 people participating; half of those people previously had no coverage. He said that this type of program works and they urged the Committee to support HB 667.

Mona Jamison, Assurant Health, said that they provide insurance coverage for over one million small business employees and their families.

Don Allen, Montana Association of Insurance Advisors, said that they support HB 667

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. KAUFMANN said that HB 667 is proposing a state-supported insurance plan for small businesses, there's a proposed state-supported plan for teachers, an existing plan for state workers, and the CHIP program. She asked why someone hasn't proposed that all of these plans be put into one state-supported plan. **John Morrison** said that the public opposes a single-payer health insurance plan, and that it is not politically feasible. He said that there have been discussions for a long time about helping small businesses buy into either the state or federal health insurance plans. He said that unless controls are put in place, a plan of this nature would only attract businesses that have uninsurable employees, such as those who are sick. The public employees oppose this because it would drive up the cost of their coverage. He clarified that he does not see this as a state-supported plan for small businesses, but said that it provides tax relief to small businesses to assist them with their health insurance costs. He said that a great deal of the health insurance premiums paid in Montana go towards treating smoking-related diseases, even though 80% of the people do not smoke. The premise of I-149 is to collect taxes from the smokers to help pay for health insurance premiums.

REP. WELLS asked if the Montana Chamber of Commerce's health insurance pool has any public funding. **Webb Brown** said that there was not public funds.

REP. WELLS said that the Auditor discussed successful small business insurance pools in other states, such as California PacAdvantage, which has no public funding. He asked why the tax credits couldn't be given to small business to use to form their own insurance pools, rather than pushing a program toward total state government insurance programs. **REP. WANZENRIED** said that the purpose of HB 667 is to implement the I-149 initiative, which was approved by 63% of the Montana voters. He said that he would be happy to meet with REP. WELLS, at the appropriate time, to discuss other solutions. He said that HB 667 is just a modest beginning, and not intended to be the final solution.

REP. TAYLOR said that the fiscal notes states, "if an employee earns over \$75,000 per year, they are not eligible." She asked if the sponsor would consider lowering that limit to \$50,000.

John Morrison said that the \$75,000 limit was negotiated by the NFIB, from the original limit of \$50,000. He said that he would not object to it being lowered back to the \$50,000 limit, as long as the NFIB agreed. **Riley Johnson** said that their average Montana member earns \$38,000 per year. He said that they are looking at this program over the next 10 years, and think that the \$75,000 limit is appropriate for that time frame.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 22.1}

REP. TAYLOR asked of the 180,000 uninsured Montanans, does it include the number of children who are eligible for CHIP. She also asked if the bill helps people who have two part-time jobs.

John Morrison said that the number of uninsured is based upon the University of Montana survey. That survey found that 85% of them are full-time workers or come from a household with at least one full-time worker. He referred her to the UM survey that he passed out. **Christina Goe, Auditor's Office**, said that coverage for the part-time worker is up to the employer. She said that the State is not able to make that decision for them.

Closing by Sponsor:

REP. WANZENRIED said that HB 667 will assist businesses in recruiting employees, and also to retain existing employees. He said that it will provide a safety net for those working Montanans.

HEARING ON HB 740

Opening Statement by Sponsor:

REP. RALPH HEINERT, HD 1, Libby, opened the hearing on **HB 740**, a bill to appropriate from a state special revenue fund for asbestos disease related programs. He said the grant request for \$175,000 would allow the Lincoln County Health Board to continue to provide assistance to people with asbestos related health issues. The Asbestos Related Disease Network (ARDN) services are separate and different from those provided by the Center for Asbestos Related Diseases. In 2003, ARDN received a three-year \$500,000 federal grant to initiate the program, with hope that the entire asbestos funding situation could be resolved in that time. Since there is still not a final resolution with the W.R. Grace Company, this \$175,000 would allow them to continue to fund these services. These services are provided to people who have not yet qualified for other programs, such as Medicaid.

**{Tape: 1; Side: B; Approx. Time Counter: 22.1 - 32.6; Comments:
End of Tape 1}**

He said that of the \$175,000, \$120,000 would be used for direct services, \$45,000 for personnel and \$10,000 for a grant writer.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. WELLS asked what the number of people affected by asbestos is and their average age. He also asked if this could become an on-going program that's going to have to grow. **REP. HEINERT** said that 1,200 people have asbestos-related respiratory problems, and they project another 300-500 per year in the immediate future. He said that the Card Clinic serves 75-100 people, and provides two home visits per week. He said that is unknown what the total number of victims will be. He said that this local program should not have to be funded long term, because they are hopeful that the W.R. Grace settlement will occur in the next year or two.

Closing by Sponsor:

REP. HEINERT said that HB 740 is needed for the Libby community, and said that he is hopeful they will not have to make a similar request in the future.

HEARING ON HB 757

Opening Statement by Sponsor:

REP. LLEW JONES, HD 27, Conrad, opened the hearing on **HB 757**, a bill to establish a revolving loan account for rehabilitation of railroad branch lines. He said that it would provide the opportunity for Montana to maintain strong freight transportation infrastructure throughout the state. Possibly 23 branch lines are at risk of being shut down, because Burlington Northern Santa Fe (BNSF) Railroad is not focused on these lines. He said that once these short lines are lost, it would be impossible to get them back in place. He said that short lines are necessary to support industry in Montana. The revolving loan fund could be used by entities, along with their 30% match, to keep these short lines up and running. The source of this money would be the federal Local Rail Freight Assistance Program and from state

revenue bonds. The revenue bonds would replace the General Fund monies proposed in the bill.

EXHIBIT (aph58a03)

He explained that the requesting entity would bring their request for money to the Board of Examiners to issue the revenue bonds. The source of repayment for the bonds comes from the underlying project, not from the State.

Proponents' Testimony:

Jim Currie, Montana Department of Transportation (DOT), said that branch line abandonment is an issue that DOT has been struggling with for several years. He said that they have not found a solution, because it is strictly an economic issue for BNSF. He said that HB 757 offers an alternative, by providing funds to keep the short lines repaired and operating.

Evan Barrett, Governor's Office of Economic Development, said that branch line maintenance is an important economic development issue for Montana. He said that the revolving loan fund is a sound funding mechanism.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 21.2}

REP. JOHN WITT said that HB 757 affects all Montanans who need transportation to move their commodities. He said that it is important to the agriculture community that the State of Montana oversee the railroads. Over the past 25 years a lot of infrastructure has been lost.

Sen. Jerry Black, Shelby, said that HB 757 is important to all of Montana. He said that BNSF has identified 12 branch lines that are at risk for abandonment; once they are abandoned, they are gone forever. These branch lines not only carry grain from local communities, are also an important aspect of the communities' economic development. He said that the amendment that adds revenue bonds as the source of funding is important, because it does not take the \$3 million from the General Fund.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. MORGAN asked how revenue bonds work. **REP. MCNUTT** said that revenue bonds count on the revenue from the project for repayment, as opposed to a general obligation bond, which is a debt of the State. Revenue bonds are sold to investors, usually

through a company such as D.A. Davidson & Co., and usually the interest is exempt from Montana income tax.

Closing by Sponsor:

REP. JONES said that this is a statewide program. He said that they will have the Governor's Budget Office review the proposed amendment.

HEARING ON HB 669

Opening Statement by Sponsor:

REP. GAIL GUTSCHE, HD 99, Missoula, opened the hearing on **HB 669**, a bill to establish a supervised visitation and exchange monitoring pilot program for domestic violence offenders. She said that Missoula has had this program through a federal grant. HB 669 would create a similar program in two to three other Montana communities.

{Tape: 2; Side: A; Approx. Time Counter: 21.2 - 32.6; Comments: End of Side A, Tape 2}

She said that these programs would provide a place for parents who are separated through a domestic violence episode, to exchange the children without getting into confrontations. These children, many of whom have witnessed the domestic abuse, would have a safe place to visit with their non-custodial, and generally offending, parent.

Proponents' Testimony:

Kris Holmes, YWCA of Missoula, said that they opened the Plant Kids safe exchange program in November 2004. Since that time, they have assisted with 120 visits of children with the offending parent. The child is able to interact with the parent in a safe and neutral environment. She said that both parents like this service. The residential parents feels like they are protected from further abuse, and the visiting parent because they are protected from false allegations of harassment. But, she said, the child benefits most of all by being able to continue to have a relationship with the separated parent.

[EXHIBIT \(aph58a04\)](#)

Cindy Weese, Executive Director, YWCA of Missoula, said that the fiscal note explains the funding for two programs for two years. She said that the Missoula program would not be considered, since they will have federal funding for the next two years. She said that the first year's funding would include set-up costs as well

as the general operating expenses; this would be \$250,000 for FY06 and \$200,000 in FY07. She said the one-time set-up costs would be for necessary office equipment and security systems for the center. In the Missoula center, the bare bones expenses are about \$145,000 per year. HB 669 provides \$125,000 per community in FY06 and \$100,000 per community in FY07. She said that this would be sufficient for those communities that could match a portion of the State funding with local services. She said that Missoula uses a sliding fee scale for their clients and 50% of them are unable to pay anything. The fees generated from the remaining 50% represent only 15% of their total operating budget. Without State or federal support, these services cannot be sustained at the local level.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 7.3}

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. MCNUTT asked who would choose where the two pilot programs would be, because he had concerns about it not being spread out across the State. **Rep. Gutsche** stressed that it is being proposed as a pilot program. She said that they know that Glasgow and Butte also applied for the federal grant, which Missoula received, but did not get it. The money appropriated through HB 669 would go through the DPHHS and they would follow the criteria spelled out in the bill. Any program applying for the grant money would need to meet the criteria.

REP. MCNUTT asked if the Missoula program could share their success with the other Montana communities. **Cindy Weese** explained that Missoula received technical assistance provided through their federal funding. She said that they spent two years planning prior to implementing their program. The YWCA of Missoula anticipates that they could provide this technical assistance to other programs in the State.

REP. JAYNE asked what the \$400,000 requested in the bill would be used for, since providers would be charging a "reasonable fee."

REP. GUTSCHE said that Cindy Weese already outlined that information in her detailed testimony. She reStated that it would be used for set-up costs, security measures, personnel and training, and equipment. She said that each community would make their own decision as to what the reasonable fee would be. She again reStated Cindy Weese's testimony that 50% of the clients are unable to make any payment, and the total fees collected only cover about 15% of their costs.

REP. JAYNE said that she was familiar with these types of cases and often times the court will designate a third party to oversee these visits. Therefore, she wondered why these centers were needed. **Chris Holmes** said that the staff at these centers are trained in domestic violence issues. They know how to oversee the visit and intervene if necessary when there are indirect and/or inappropriate things happening. She said that many of their clients have had supervised visits through a designated third party and had problems with it. Often times the third party is a family member of the offending parent. She said that many times they have found that the family member does not want to be cast in this role.

{Tape: 2; Side: B; Approx. Time Counter: 7.3 - 20}

Closing by Sponsor:

REP. GUTSCHE said that domestic violence continues to grow and be a problem in our society, and there is a need for safe child visitations. She said that there is a demonstrated need for these types of centers, because the designated third party has not been working. She said that Butte and Glasgow wanted this type of program, but could not secure the funding.

[EXHIBIT \(aph58a05\)](#)

[EXHIBIT \(aph58a06\)](#)

HEARING ON HB 773

Opening Statement by Sponsor:

REP. PENNY MORGAN, HD 57, Billings, opened the hearing on **HB 773**, a bill to appropriate funds for four local mental health drop-in facilities. She said that the \$500,000 appropriation requested in this bill would be shared between the four communities.

Proponents' Testimony:

Rep. Roy Brown, Billings, said that these mental health centers help their clients to survive their day-to-day problems. He said that about four years ago the Billings center was in danger of closing. Through local fundraising and federal funds, they were able to keep the center open, but those funds are drying up. He said that money provided by the State would help to keep the center up and running. He said that as legislators, they need to help people who cannot help themselves.

Kathy McGowan, Mental Health Centers, Montana Sheriffs and Peace Officers Association, Montana Association of County Attorneys, said that all three organization support HB 773 because they have all been involved in trying to find crisis solutions for these

people. She said that the drop-in centers are a simple and inexpensive solution. Only the Billings center is still operating, but other communities need this type of facility. She said that the centers do not provide therapy, but are a safe place where their clients can be served for approximately \$7 per day. They help them with their medical needs, and can assess if somebody is about to go into crisis and help them. The center provides them with a hot meal, a safe environment and comradery. She said that these services will help to stop these clients from going to the emergency room or Warm Springs.

{Tape: 2; Side: B; Approx. Time Counter: 20 - 31.4; Comments: Rep. Sesso entered hearing.}

Bill Kennedy, Yellowstone County Commissioner, said that the local community mental health drop-in centers lost their funding four years ago. This bill would provide \$125,000 for each of four local community centers throughout the State. He said that this money could be leveraged to raise more money from other sources.

{Tape: 2; Side: B; Approx. Time Counter: 31.4 - 32.6; Comments: End of Tape 2}

He said that clients of the drop-in centers are able to get the services they need, including case management through the local Mental Health Centers. He said that this helps to keep them out of the emergency room and acute care facilities. He said that Billings has done a tremendous amount of fundraising to keep "The Hub" open. When it was closed temporarily, the number of admissions to Deaconess Hospital increased. He said that the local drop-in centers is the least expensive form of treatment for these people.

Jani McCall, Deaconess Billings Clinic, said that they operate a 32-bed psychiatric unit in their hospital. She said that the drop-in centers are a vital component of the services needed to keep these people safe and stable. When "The Hub" was closed, the admissions at the psychiatric unit increased. She said that the cost for psychiatric care is very expensive, approximately \$900-\$1,000 per day. Therefore the \$7 per day to provide for people at the drop-in center is very inexpensive.

Opponents' Testimony: None

Informational Testimony:

Lou Thompson, DPHHS, explained that the discontinued funding in 2002 was due to a shortfall in State funding. She said that it was a very difficult decision to eliminate funding for these centers.

Questions from Committee Members and Responses:

REP. JAYNE asked if this was a request for one-time funding.

REP. MORGAN said that was correct; they are hoping to put the funding for these centers back in to the DPHHS budget.

Closing by Sponsor:

REP. MORGAN said that these centers save money because these people do not go into crisis, which is much more expensive to treat. Many of these people do not have financial resources, so the State would pay for their crisis treatment.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 6.9; Comments: Committee recessed at 10:30 a.m.}

{Comments: Begin Tape 4, Side A. REP. WITT was excused when meeting reconvened.}

EXECUTIVE ACTION ON HB 181

Motion: REP. MUSGROVE moved that HB 181 DO PASS.

Discussion:

REP. MUSGROVE offered a conceptual amendment to the bill. The amendment corrects a technical error with one of the figures in the bill. The amendment will not change the fiscal note of the bill.

Motion/Vote: REP. MUSGROVE moved that the CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote.

Motion/Vote: REP. MUSGROVE moved that HB 181 DO PASS AS AMENDED. Motion carried 19-1 by voice vote with REP. FRANKLIN voting no.

{Tape: 4; Side: A; Approx. Time Counter: 0 - 3.6. Comments: REP. WITT entered the meeting.}

EXECUTIVE ACTION ON HB 148

Motion/Vote: REP. SINRUD moved that HB 148 DO PASS. Motion carried unanimously by voice vote.

NOTE: Committee previously agreed that all unamended bills that pass unanimously will be placed on the Consent Calendar.

EXECUTIVE ACTION ON HB 102

Motion: REP. LENHART moved that HB 102 DO PASS.

Motion: REP. LENHART moved that AMENDMENT HB010203.ash BE ADOPTED.

EXHIBIT (aph58a07)

Discussion:

REP. LENHART explained that this amendment changes two instances of titles in the bill, in order to make the bill more clear.

REP. TAYLOR asked how this would affect the fiscal note of the bill. REP. LENHART replied that the amendment would not change the fiscal note.

Vote: Motion carried unanimously by voice vote.

Motion/Vote: REP. LENHART moved that HB 102 DO PASS AS AMENDED. Motion carried 19-1 by voice vote with REP. GLASER voting no.

EXECUTIVE ACTION ON HB 749

Motion: REP. RIPLEY moved that HB 749 DO PASS.

Discussion:

REP. BUZZAS explained that the Committee had agreed to follow the order of bills as listed on the agenda. Since this bill was not listed, she felt it should be heard last.

REP. GLASER Stated that the presiding officer may not prohibit any motion and as point of order, action on the bill should be taken at the moment a motion is made.

REP. BUZZAS asked REP. RIPLEY if he would be willing to defer action on the bill until the end of the day's agenda. REP. RIPLEY agreed to withdraw his motion.

EXECUTIVE ACTION ON HB 219

Motion/Vote: REP. MORGAN moved that HB 219 BE TABLED. Motion carried unanimously by roll call vote.

EXECUTIVE ACTION ON HB 414

Motion: REP. CALLAHAN moved that HB 414 DO PASS.

Discussion:

REP. CALLAHAN reminded that Committee that this bill simply sets up a funding mechanism for the Judicial Branch at no impact to the General Fund.

Vote: Motion carried unanimously by voice vote.

{Tape: 4; Side: A; Approx. Time Counter: 3.6 - 11.9; Comments: REP. JUNEAU exited the meeting.}

EXECUTIVE ACTION ON HB 552

Motion: REP. KAUFMANN moved that HB 552 DO PASS.

Motion: REP. KAUFMANN moved that AMENDMENT HB055201.ajw BE ADOPTED.

EXHIBIT (aph58a08)

Discussion:

REP. KAUFMANN explained that this amendment changes the appropriation amount in the bill to agree with the fiscal note.

REP. SINRUD asked if the first part of the amendment would exclude a specific group. REP. KAUFMANN replied that the amendment will not exclude anyone, rather it clarifies which groups qualify for coverage.

REP. SINRUD suggested the Committee defer action on hb 552 until the following Monday, the Committee agreed without objection.

Discussion:

REP. SINRUD explained that his motion would allow time for questions on the amendment to be adequately addressed.

REP. WELLS added that there were errors within the amendment that should be addressed.

REP. KAUFMANN withdrew her motion, without objection.

{Tape: 4; Side: A; Approx. Time Counter: 11.9 - 17.5}

EXECUTIVE ACTION ON HB 687

Motion: REP. MORGAN moved that HB 687 BE TABLED.

Discussion:

REP. MORGAN voiced concern over enforcing the statute. It had been indicated to her that the bill, should it become law, would be impossible to enforce over the internet.

Vote: Motion carried 14-6 by roll call vote with REP. BUZZAS, REP. CALLAHAN, REP. FRANKLIN, REP. JUNEAU, REP. KAUFMANN, and REP. SESSO voting no. REP. JUNEAU voted by proxy.

{Tape: 4; Side: A; Approx. Time Counter: 17.5 - 19.7; Comments: REP. WITT exited the meeting.}

EXECUTIVE ACTION ON HB 60

Motion: REP. MUSGROVE moved that HB 60 DO PASS.

Motion: REP. MUSGROVE moved that HB006002.ajk BE ADOPTED.
[EXHIBIT](#) (aph58a09)

Discussion:

REP. MUSGROVE explained that this amendment clarifies language in several points of the bill. The amendment allows the property title to be cleared of any lien that there has been methamphetamine contamination of that property.

REP. JACKSON commented that the State of Montana did not certify its contractors. He asked how language in the amendment, which specified certified contractors would be addressed. REP. MUSGROVE said that when methamphetamine labs are discovered by drug enforcement, certified personnel are required during the drug seizure stage. These personnel can be brought in from outside the State if necessary. Part of what HB 60 does is set the standards for certification.

REP. SINRUD asked if "certified contractor" referred to a methamphetamine abatement certified contractor. REP. MUSGROVE responded, "Yes."

REP. SINRUD suggested that it may be more clear to specify "hazardous waste abatement certified contractor" to better agree with the bill's intent.

REP. WELLS Stated that New Section 4 discusses contractor certification and Department authority and that the bill will address any question of contractor certification as written.

REP. MCNUTT said that there are currently no contractors in the state who are certified to clean up a methamphetamine site. The purpose of this bill is to allow the Department to certify contractors for this cleanup and address any remaining liability concerns.

{Tape: 4; Side: A; Approx. Time Counter: 19.7 - 30}

REP. MUSGROVE gave additional history of the bill. This bill will help landlords by providing the means necessary to address the property lien that results when drug enforcement discovers such a lab.

Vote: Motion carried unanimously by voice vote. REPS. JUNEAU and WITT voted by proxy.

{Tape: 4; Side: A; Approx. Time Counter: 30 - 33; Comments: End of Tape 4, Side A.}

REP. JAYNE commented that cleanup of such methamphetamine labs is already ongoing in Montana. She feels that passing the bill will only add more bureaucracy to the process.

REP. SESSO agreed that the standards are necessary to deal with the methamphetamine cleanup. However, he feels that the Department's demand for additional funding and Full Time Equivalent (FTE) to address the issue are exorbitant.

REP. KAUFMANN added that the bill has received support from various agencies Statewide.

REP. MCNUTT said that the amendments to the bill could mitigate the fiscal note. This is because there was no fee before for the certification process.

REP. WELLS gave a personal account explaining how this bill is important to landlords.

Motion/Vote: REP. MUSGROVE moved that HB 60 DO PASS AS AMENDED. Motion carried 17-3 by roll call vote with REP. JAYNE, REP. JUNEAU, and REP. MORGAN voting no. REP. JUNEAU and REP. WITT voted by proxy.

{Tape: 4; Side: B; Approx. Time Counter: 0 - 12.4}

EXECUTIVE ACTION ON HB 667

Motion: REP. HINER moved that HB 667 DO PASS.

Discussion:

REP. SINRUD commented that he would like to see action on the bill deferred until Monday. He said that because the bill was heard this morning, he has not had enough time to gather information that he would like to present.

CHAIRMAN BUZZAS explained that all of the hearings are scheduled ahead of time and she gives a copy of each week's agenda to REP. WITT for distribution to his party members. She said that she wanted to assure the Committee members that there was enough time to hear all of the bills scheduled.

REP. TAYLOR said that individuals had voiced their concern over the administrative costs associated with the bill and she would like some additional time to research this.

REP. BUZZAS commented that she was okay with deferring action in this instance, but did not wish to set a precedent for future bills. Several other bills have had hearings and executive action within the same day.

REP. MCNUTT agreed that he would like to have more time to research the bill. He said that he thinks the bill is important and would not want to be forced to vote "no" because he does not have all the facts.

REP. HINER withdrew her motion, without objection.

CHAIRMAN BUZZAS asked REP. RIPLEY if he wished to hold executive action on HB 749 at this time. After some discussion, they agreed to address the bill with Tuesday's agenda.

EXECUTIVE ACTION ON HB 704

Motion: REP. MORGAN moved that HB 704 DO PASS.

Discussion:

REP. MORGAN explained that the bill and stated that she would withdraw her motion if the Committee does not wish to address the bill at this time. CHAIRMAN BUZZAS indicated that the bill could be placed in the agenda for Tuesday as well.

REP. MORGAN withdrew her motion, without objection.

CHAIRMAN BUZZAS adjourned the meeting.

{Tape: 4; Side: B; Approx. Time Counter: 12.4 - 25}

ADJOURNMENT

Adjournment: 4:05 P.M.

REP. ROSALIE (ROSIE) BUZZAS, Chairman

MARCY MCLEAN, Secretary

RB/mm

Additional Exhibits:

EXHIBIT ([aph58aad0.PDF](#))