MINUTES

MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 5

Call to Order: By **CHAIRMAN JON ELLINGSON**, on April 19, 2005 at 3:15 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:
Rep. John E. Witt, Chairman (R)
Sen. Jon Ellingson, Chairman (D)
Sen. John Brueggeman (R)
Rep. Rosalie (Rosie) Buzzas (D)
Sen. Mike Cooney (D)
Rep. Ralph L. Lenhart (D)
Rep. Rick Ripley (R)

Members Excused: None.

Members Absent: None.

Staff Present: Kim Leighton, Committee Secretary

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

Committee Business Summary:
Hearing & Date Posted: HB 5, 4/19/2005
Executive Action:

SEN. ELLINGSON opened the hearing on HB 5 and welcomed comments from the members.

SEN. COONEY stated he wasn't sure exactly what they would be discussing in regard to HB 5. He said, "I believes HB 5 is in very good shape." He understands that a lot of the controversy surrounding HB 5 lies in the project dealing with Highway 93.

SEN. COONEY attested that the move of funding from HB 2 to HB 5 was a proper one. He added that Highway 93 is a very unusual project; they were aware that it would impact the spending cap. He stated that most of the money is Federal dollars. The reason for this is that it is on an Indian Reservation; this project will be broken down into several sections. **SEN. COONEY** claimed that by putting this project into HB 5, it will allow the Department of Transportation to move with some ease, rather than breaking it up every biennium and continually dealing with it. He said, "It is a bonded program, it really shouldn't be in HB 2."

SEN. COONEY reminded the members that he is well aware that this program will impact the spending cap. He has never denied that. He said, "In all sincerity, this is good public policy to have this project in HB 5." He hoped the Committee would see fit to keep this project in HB 5. He reminded them that Highway 93 is no longer in HB 2, if they do not keep it in HB 5 it will not have a home. He asked that they not kill this project.

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REP. RIPLEY attested that he can't argue that this project needs funding. He stated that a portion of funding that is required to clean up Highway 93 this coming biennium should be in HB 2. He claimed that the splitting of this funding creates a problem.

REP. WITT attested that he agreed with several of the statements made. He stated that he has some concerns with differentiating the funds being appropriated in HB 2 versus HB 5. He added that this is something that future legislators should work with. He also stated that he believes there is some oversight associated with this issue. He had an amendment that he was going to bring forward and stated that he would like to withdraw it at this time.

SEN. BRUEGGEMAN thanked REP. WITT for withdrawing his amendment. He said that this is a huge issue; this is his district and the issue needs to be dealt with. He discussed the actions that were taken in the past to deal with this. He attested that two years ago they should have seen the value of putting this project in HB 5. He added that his district has worked very hard to get to where they are now. He doesn't feel like they should tinker with this issue.

REP. RIPLEY inquired about procedure. He wondered if it did pass out of committee, could some of the funds be appropriated back into HB 2.

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SEN. ELLINGSON stated that anything is possible up until Sine Die. However, if they do this it could really complicate things.

SEN. COONEY reiterated that if they open up HB 2, people will be lining up with projects. He added that until Sine Die, anything is possible. However, opening up HB 2 again is a dangerous proposition.

REP. LENHART asked Cathy Duncan, Legislative Services Division to expand on this.

Ms. Duncan claimed that she is not very familiar with HB 2 in conference committees. She stated that if there was a free conference committee on HB 2, anything goes. She stated that there are a number of ways in which they could take money out of HB 5. One way would be to reduce projects. She explained how this could be done.

REP. RIPLEY offered a conceptual amendment on Page 10, Line 7. He wished to strike the area that deals with Big Springs PCB Cleanup altogether. This is an attempt at saving an account that is structurally imbalanced.

Ms. Duncan wondered if this is a match to Federal funds.

REP. RIPLEY claimed that it is State-special.

SEN. COONEY asked REP. RIPLEY to explain why he wanted to do this.

REP. RIPLEY attested that the State special funds for Fish, Wildlife and Parks is structurally imbalanced. He believes this action would help balance that out.

REP. LENHART wondered if any of that money is matching with the Federal money.

SEN. ELLINGSON inquired if there was anyone from the Department of Fish, Wildlife and Parks or from the Budget Office.

Amy Sessano, Budget Office, stated, "I believe so."

SEN. ELLINGSON clarified that by eliminating the $1.7 million from the budget, they would not receive the $2.375 figure from the Federal government.

SEN. COONEY agreed that the figures are $1.7 million and $2.375 million.

Motion/Vote: REP. RIPLEY moved that A CONCEPTUAL AMENDMENT BE ADOPTED. Motion failed 2-5 by roll call vote. REP. RIPLEY and REP. WITT voted aye.

Motion: SEN. BRUEGGEMAN moved that HB 5 AS IS BE ADOPTED.

Discussion:

Ms. Duncan explained that it would move forward as adopting a committee report as is.

Vote: Motion carried 5-2 by roll call vote. REP. RIPLEY and REP. WITT voted no.

SEN. ELLINGSON explained that HB 5 would be sent back to the Senate with a favorable recommendation, and back to the House with no recommendation.

A document was provided to the members which outlines the appropriation of funds.
EXHIBIT(cch84hb0005a01)

ADJOURNMENT

Adjournment: 3:35 P.M.

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SEN. JON ELLINGSON, Chairman

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KIM LEIGHTON, Secretary

JE/JW/kl

Additional Exhibits:

EXHIBIT(cch84hb0005aad0.PDF)