

**MINUTES**

**MONTANA SENATE  
59th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON FINANCE AND CLAIMS**

**Call to Order:** By **CHAIRMAN MIKE COONEY**, on April 11, 2005 at 8:00 A.M., in Room 317 Capitol.

**ROLL CALL**

**Members Present:**

Sen. Mike Cooney, Chairman (D)  
Sen. Keith Bales (R)  
Sen. Gregory D. Barkus (R)  
Sen. John Brueggeman (R)  
Sen. John Cobb (R)  
Sen. John Esp (R)  
Sen. Steven Gallus (D)  
Sen. Ken (Kim) Hansen (D)  
Sen. Bob Hawks (D)  
Sen. Bob Keenan (R)  
Sen. Rick Laible (R)  
Sen. Lane L. Larson (D)  
Sen. Greg Lind (D)  
Sen. Trudi Schmidt (D)  
Sen. Corey Stapleton (R)  
Sen. Jon Tester (D)  
Sen. Dan Weinberg (D)  
Sen. Carol Williams (D)

**Members Excused:** Sen. Don Ryan (D)

**Members Absent:** None.

**Staff Present:** Taryn Purdy, Legislative Branch  
Prudence Gildroy, Committee Secretary

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

**Committee Business Summary:**

Hearing & Date Posted: HB 745, 4/4/2005; HB 288, 4/4/2005;  
HB 327, 4/4/2005; HB 531, 4/4/2005;  
HB 60, 4/7/2005; HB 577, 4/5/2005;

HB 438, 4/4/2005; HB 264, 4/7/2005;  
HB 336, 4/7/2005  
Executive Action: HB 288; HB 745; HB 505; HB 277; HB  
476; HB 577

### HEARING ON HB 745

#### Opening Statement by Sponsor:

**REP. GARY MATTHEWS (D), HD 40, Miles City**, opened the hearing on **HB 745**, Supplemental appropriations. This supplemental bill will help the Legislature meet statutory requirements. The largest expenditures in the bill are \$16 million for the IRIS computer system, \$9 million to pay off the Crow Tribe settlement, and \$8.5 million to cover the negotiated agreement between the Department of Justice and the Highway Patrol officers. The Department of Public Health and Human Services had a \$4.5 million supplemental, Department of Corrections had \$4.4 million, and the district court reimbursement had an appropriation for \$6.8 million.

#### Proponents' Testimony:

**Amy Sassano, Office of Budget and Program Planning (OBPP)**, asked for support of the bill.

**Carl Venne, Chairman Crow Tribe of Indians**, read from written testimony.

#### EXHIBIT (fcs77a01)

**Faye Bergan, Reserve Water Rights Compact Commission**, testified the compact was passed by special session in 1999, and this is the settlement portion of that compact. She pointed out the funding solves two important issues for the state. One is the reserve water rights on the Crow Reservation, and the other is a coal severance tax case. That case is currently on stay in the 9th Circuit Court of Appeals pending final approval of all portions of this package, and the compact provides that case will be dismissed upon conclusion. The \$9 million will go into an escrow account where it will stay until all conditions of the compact are met, and that will then be turned over to the Crow Tribe for water and sewer infrastructure development and economic development.

**Joe Williams, Department of Corrections**, said he was a reluctant proponent of HB 745. The Department was hoping to be able to avoid supplemental costs, but it was not to be with their increasing population. The big contributor was methamphetamine.

Currently there are 153 prisoners in county jails waiting for spots to open up in secure custody facilities. That is due to the six percent vacancy savings that were applied across the board last session. That is unattainable in secure custody facilities and in probation and parole. They also have nursing and other current staffing shortages. They have experienced an increased level of overtime and the result is roughly a \$5.4 million shortage.

**EXHIBIT (fcs77a02)**

**John Chappuis, DPHHS**, explained their supplemental request related to child and family services was due to an inability to tap into federal funds. That related to an audit that was done a year ago. The Department is working to alleviate that situation. Another part dealt with the Child Support Enforcement Division where they were unable to gather the federal funds they hoped for dealing with the incentive grant which is budgeted two years in advance. They were unable to tap as much of that grant as they had hoped, and Medicaid has more growth than expected.

**Mary Sexton, Department of Natural Resources and Conservation (DNRC)**, distributed and explained the 2004 and 2005 summaries of the supplemental costs for fires.

**EXHIBIT (fcs77a03)**

Estimated FY04 supplemental fire costs were \$1,273,787.  
Estimated FY05 spring fire costs were \$726,213.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. JOHN COBB** said the handout from the Department of Corrections indicated a need for \$5.4 million and the bill funds \$4.4 million. He inquired if they were asking for another million dollars. **Mr. Williams** replied that is what they are facing at this time. **SEN. COBB** asked if the House knew that. His concern was this would go back to the House and end up in a conference committee. **Mr. Williams** responded they were compiling costs at the time. They testified in the House Appropriations Committee there was the potential for more. **SEN. COBB** asked if the House gave them \$4.4 million because that amount was quantified. **Mr. Williams** said they told the House Appropriations Committee they were about \$1 million short. **SEN. COBB** asked if

anyone made a motion to put that in. **Mr. Williams** replied, no they did not.

**SEN. RICK LAIBLE** asked **Ms. Sassano** about the common school interest and income revenues. He noticed that is not in the computation in the cost of the supplemental and wondered where the \$3 million will show up. **Ms. Sassano** advised that will not show up until the very last day of the fiscal year and will only show up if it is needed. If it is not needed it is not counted anywhere. **SEN. LAIBLE** asked if that is typical of how this process works. **Ms. Sassano** replied this is the second or third time this has been in the supplemental bill. **SEN. LAIBLE** inquired about the change for the Judicial Branch. **Ms. Sassano** indicated the \$25.89 million was a typographical error. The correct amount for their budget was \$21 million.

**SEN. KEITH BALES** addressed **Ms. Sexton** regarding FY 2004 and inquired whether there was still \$6 million owed to the state by the federal government. **Ms. Sexton** replied that is correct. They are currently awaiting some documentation regarding that and hope to have that FEMA reimbursement within 90 days. **SEN. BALES** advised that is normally absorbed within the Department's budget until it is reimbursed. **Ms. Sexton** responded in order to get to the final amount they are asking for they are calculating that as expected to be received. **SEN. BALES** asked if it will be in before the end of this fiscal year. **Ms. Sexton** said that is their assumption.

**SEN. BALES** said he was pleased with **Chairman Venne's** election to the chairmanship of the tribe. After the Legislature approved the compact in a special session the Tribes had an election in which they did not accept the compact at the time. He asked **Mr. Venne** about the current status. **Mr. Venne** advised they are hiring an economist to come up with the figures for negotiations with the federal government. That is almost completed, and by next month they will be meeting with Sen. Burns and Sen. Baucus to put a package together to present to Congress for the Tribe. It is on a fast track where it can hopefully be done within the next two years. **SEN. BALES** inquired if the final step is approval by the Tribe. **Mr. Venne** replied, yes. After Congress approves this the Tribe will ratify it with a referendum vote. The Tribe does not want to go to court. His objective is to build bridges and not burn bridges. He thought the state and the Tribe have fought too long over certain things. The state spent a lot of money and the Tribe spent a lot of money. He thought the negotiating process was the best way to do it.

**SEN. GREG BARKUS** asked **Ms. Sexton** what kind of historical funding the state is getting from the US Forest Service hurricane fund. **Ms. Sexton** advised that is repayment for the use of some Type I teams. The teams are assembled from a variety of agencies. There are over 20 DNRC employees who participate in the inter-agency teams. Normally it was for fires only but was expanded to other disaster situations. They were used in the hurricanes and the reimbursement is for the employees. **SEN. BARKUS** indicated the numbers add up conveniently to \$2 million. He asked if the costs are actual and the reimbursements estimated. **Ms. Sexton** advised the costs are actual and the reimbursements, particularly from FEMA, are estimates. They are awaiting documentation from the forest service and BLM.

**SEN. BARKUS** asked **Ms. Sassano** about the dramatic increase in the Office of the Governor for the Ombudsman. **Ms. Sassano** replied in the last session Governor Martz's budget did not fund the Ombudsman's office. The Legislature funded that office with Medicaid funds. Subsequently the budget office found out from Medicaid that the office is not eligible for Medicaid funds. The original amount in the bill was to pay for that office for FY 2005, but federal tax relief dollars were used to fund it for 2005. The day this bill was heard in House Appropriations they found out the federal government wanted their money back for FY04, and the growth in the number was to pay the federal government back for FY04.

**SEN. BARKUS** asked **Joel Clairmont, Department of Agriculture**, why the \$41,318 and was coming in as a supplemental. **Mr. Clairmont** advised they are doing additional sampling at the border. They have part-time employees currently and are moving them up to full-time. They are sampling animal feeds that cross the border into the United States from Canada.

*{Tape: 1; Side: B}*

**Closing by Sponsor:**

**REP. MATHEWS** advised they had to use a silver bullet on this bill to get it out of the House Appropriations Committee. When they used that silver bullet, he did not have a vote. He hoped they would be careful with this bill because he did not want to see it again.

**HEARING ON HB 288**

*{Tape: 1; Side: B; Approx. Time Counter: 0.7}*

**Opening Statement by Sponsor:**

**REP. MARK NOENNIG (R), HD 46, Billings**, opened the hearing on **HB 288**, Corrections to collect supervisory fees instead of clerk of court. **REP. NOENNIG** informed the committee there was a change in 2003 where the restitution fees were collected by the Department of Corrections, and the collection of the probation supervision fees were left with the clerks of court. The supervision fees are collected by probation officers, forwarded to the clerk of court, and then forwarded from the clerk of court to the Department of Corrections. Historically the clerks of court were entitled to retain an administrative fee for doing that and did that in conjunction with the restitution fees. When the restitution fees went to the Department of Corrections the clerks of court were no longer allowed to collect an administrative fee, and had to absorb the cost of the administrative work.

**Proponents' Testimony:**

**Mary Phippen, Montana Association of Clerks of District Court**, read from written testimony and provided a table that showed the fees collected.

[EXHIBIT \(fcs77a04\)](#)

[EXHIBIT \(fcs77a05\)](#)

She advised there is a coordination amendment.

**Nancy Sweeney, Clerk of District Court, Lewis and Clark County**, testified in support of the bill. She supplied a letter from **Laura Brent, Clerk of District Court, Yellowstone County**, along with a summary of the supervisory fees collected by Montana Clerks of District Court from January 1, 2004 to December 31, 2005.

[EXHIBIT \(fcs77a06\)](#)

[EXHIBIT \(fcs77a07\)](#)

[EXHIBIT \(fcs77a08\)](#)

**Mike Ferriter, Department of Corrections**, spoke in support of the bill. The bill changes how offenders under the supervision of adult probation and parole pay their statutorily required supervision fees. Since 1993 the clerks of the district courts have provided this collection service. Since that time the probation and parole caseload has nearly doubled to about 7,400 offenders. It is time to manage this collection in a different fashion. HB 288 will allow the Department to monitor the funds more closely and insure the offenders are being held accountable for a portion of their cost of supervision. These funds have

proven to be important to offender accountability and the enhancement of safety of probation and parole officers as well as professional development.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

In response to a question from **SEN. LAIBLE, REP. NOENNIG** advised that all of the money goes to the Department of Corrections. The clerk of court was an intermediary between the probation officer and the Department. The bill eliminates the clerk of court as the intermediary.

**SEN. GREG LIND** thought the 20 percent overhead seemed significant and wondered if that was appropriate. **REP. NOENNIG** indicated that is irrelevant because all the money goes to the Department of Corrections. The 20 percent was to demonstrate what would have been collected by the clerks of court if they still had the authority to keep the money.

**Closing by Sponsor:**

**REP. NOENNIG** closed on the bill. **SEN. COREY STAPLETON** agreed to carry the bill on the floor of the Senate.

**HEARING ON HB 327**

*{Tape: 1; Side: B; Approx. Time Counter: 11.9}*

**Opening Statement by Sponsor:**

**REP. GEORGE GROESBECK (D), HD 74, Butte,** opened the hearing on **HB 327, Increase silicosis benefits.** **REP. GROESBECK** distributed information and read highlights to the committee.

**EXHIBIT** (fcs77a09)

**Proponents' Testimony:**

**Bob Pavlovich, representing himself,** advised his mother died in 1973. She had two husbands that died from silicosis. She was not eligible to collect any of this money because widows were not eligible at that time. He said he knows two people who receive benefits who are over 100 year of age. There are 37 widows left, and when they are gone that is the end of the silicosis fund. He

requested to be on record in support of HB 713 and HB 761 which the committee would hear the following day. He is on the Veterans Affairs Interim Committee and will not be here to testify.

**Dan Antonietti, representing himself,** testified he was born and raised in Butte and watched many of his friends and relatives pass away from this disease or be confined to the hospital at Galen. He respectfully requested passage of this legislation.

**Opponents' Testimony:** None.

**Informational Testimony:**

**Jerry Keck, Department of Labor and Industry,** advised they administer the silicosis fund, and said he was available for questions.

**Questions from Committee Members and Responses:**

**CHAIRMAN COONEY** asked of the 44 people left in this fund how many were actual silicosis victims and how many were surviving spouses. **REP. GROESBECK** advised there are 44 recipients in the fund and actual claimants remaining are seven. The widows are 37 of the 44.

**SEN. BALES** inquired if there is an actual fund in place or if it is general revenue. **Mr. Keck** advised it is all general fund money, and the Department tracks the expenditures.

**Closing by Sponsor:**

**REP. GROESBECK** thanked the committee for the good hearing and urged support for the bill. This was a consensus calendar bill that came out of the House Appropriations Committee.

#### **HEARING ON HB 531**

***{Tape: 1; Side: B; Approx. Time Counter: 22.7}***

**Opening Statement by Sponsor:**

**REP. EVE FRANKLIN (D), HD 24, Great Falls,** opened the hearing on **HB 531,** Fund McLaughlin research institute expansion. The bill requested \$750,000 of matching funds for a fund raising effort by McLaughlin Institute for Biomedical Research in Great Falls. The McLaughlin Institute is a private, non-profit institute involved in basic research studies. The institute is requesting state

support to match their fund raising. Although they are successful in securing grants it is hard to get support for bricks and mortar which the institute needs in order to expand. They currently employ 49 people and with the expansion will employ an additional 20 people at a variety of levels. The institute started in a garage in the 1950s. It is now a world-class, Nobel prize winning, international operation. They are involved in BSE, prion diseases, alzheimers, etc. She cited the economic benefit to the state. This is one of the few investments made under a micro-business revolving loan fund that were paid back.

**Proponents' Testimony:**

**George Carlson, McLaughlin Institute,** testified they are an independent, non-profit, biomedical research organization dedicated to the improvement of human health. They apply mouse genetics to human disease. They are trying to develop blood tests for Bovine Spongiform Encephalopathy (mad cow disease). In addition to their research, which is funded by the competitive research grants by the National Institute for Health and other organizations such as the Department of Defense, they also have an education mission. There are high school and college students from the Great Falls area who would not have the opportunity to work in a lab outside of larger urban centers. There are high school teachers working in the lab who take that experience back to the classroom. The lab enhances research at both of the universities. Economic development is a bi-product of their mission.

**{Tape: 2; Side: A}**

**Mr. Carlson** said they were asking for a grant to expand their mouse facility and turn office space into laboratory space. The total project was for about \$3 million for bricks and mortar. This would allow them to bring in two more scientists, and the funding for those two scientists would be raised by their fund-raising team. The last time the institute received a grant from the Montana State Legislature was the 1989 session for \$2 million which required a match. The \$2 million over that time period resulted in an influx of out-of-state money of over \$35 million.

**Nancy O'Brien, McLaughlin Research National Development Council,** spoke on behalf of 26 board members, eight scientific advisor members, and 31 National Development Council members all of whom are volunteers and committed to expanding the McLaughlin Institute's capability, their ability to do cutting edge research, and continue their education mission. The Board has raised significant dollars for research and education, but they

have a difficult time raising money for bricks and mortar. If they can have the impetus of \$750,000, the matching piece goes smoother and faster. The Board, the Scientific Advisory Committee, and the national development committee committed to matching these funds. In addition, they will raise another \$2 million to bring in two research scientists and 20 new staff people. They believe this project is a good investment for Montana.

**Gene Thayer, McLaughlin Institute**, advised he served in the Senate in 1989 and carried the bill that provided the \$2 million for the McLaughlin Research Institute which required federal matching funds to build the current facility. At the time he believed it was an excellent investment, and his expectations were confirmed. Today the Institute has five scientists, 44 employees, and an annual budget of \$5.3 million. Since 1990, McLaughlin has brought in over \$35 million in federal and other out-of-state funding. This is over a \$17 return for every one dollar the state invested. He served on the Board for six years and confirmed it was difficult to raise money for bricks and mortar. This is an opportunity for economic development that is guaranteed to succeed, according to **Mr. Thayer**.

**Glenn Bliss, General Distributing Company, Great Falls**, testified they are a third generation, family-owned Montana company. They have a distribution business of industrial gases, equipment supplies, medical equipment gases, and specialty gases for research and educational facilities. General Distributing Company serviced McLaughlin Research since 1967 when they were a department in a hospital and continued to service them after they became an independent non-profit organization in 1989. Their business with McLaughlin has grown from less than \$500 annually to over \$23,000 in 2004. McLaughlin is an example of a Montana-based business that brings money in from outside the state and reallocates a major portion of this money back into Montana. He also serves on the Board of Directors of the Great Falls Area Chamber of Commerce, and supported the bill of their behalf.

**Mike Waldenberg, Central Plumbing and Heating, Great Falls**, advised they currently employ 85 employees in Great Falls and central Montana. They are a 60-year-old, third generation, family-owned business. He has been involved in mechanical contracting for 30 years. His company was involved doing construction projects with the McLaughlin Research Institute since early on. The mechanical portion of new facility built in 1992-1993 represented approximately \$1 million in revenue for their company. They employed laborers, equipment operators, apprentices, plumbers, sheet metal workers, and fabrication people for that project. They have done numerous projects with

the institute since that facility was built. His company is one of many businesses in the Great Falls area that has benefitted from a long-term, lasting relationship with the McLaughlin Research Institute.

**Sarah Anderson, Carroll College student,** testified she is a junior majoring in Biology. She spent her last summer working at McLaughlin and was grateful for the experience. Montana does not have many places that college students can do independent research and McLaughlin is one that allows that. She plans to attend medical school, and without her experience at McLaughlin she would never have considered the research aspect of the medical field. It will be in her mind as she continues to pursue her career options. She plans to return to McLaughlin this summer to work on her thesis. She expressed gratitude that the research center is in her home town.

**Joe Mazurek, City of Great Falls,** said the McLaughlin Research Center is a world class research facility, is very important to the Great Falls and Golden Triangle economy, but also extends benefits across the state. They are working on timely and critical issues scientifically and are deserving of support, particularly in the area where it is difficult to raise funds. He urged that the committee please concur in HB 531.

**Dave Crum, McLaughlin Institute,** testified the Institute brings people back to the state for employment. He emphasized when they recruit scientists to McLaughlin they recruit against every major non-profit institute and university in the country. They have to make sure they get scientists that can obtain competitive research grants. The education mission goes back to Dr. Eichwald, and their first student was Irving Weisman. Dr. Weisman is now one of the top cancer biologists in the world and is now at Stanford. Eighty percent of the students that have come through McLaughlin have either gone on to research or got into the practice of medicine.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. DAN WEINBERG** stated it was obvious that McLaughlin is a great place and is doing wonderful work. He said he is a fan of public and private partnerships. He inquired why this should be an expense of state government rather than local government. **Mr. Mazurek** replied this is research that is critical to the state of Montana for agriculture and for hunting and fishing resources as

well. All citizens of the state benefit from that research. He thought the state has an obligation to fund these sorts of programs. There is a history of having done it, and it has been successful. The work of the institute cuts a wide swath across the state. This is a small amount of money and has to be matched. He thought this is very deserving of state support, and this is an appropriate role for state government. **SEN. WEINBERG** inquired whether the city of Great Falls provided any matching grants. **Mr. Mazurek** said he would get an answer to that. He noted the city is very supportive of the institute's efforts.

**SEN. LAIBLE** asked **Mr. Crum** about other sources of revenue. **Mr. Crum** advised they raise other unrestricted funds from people inside the state and from private foundations. **SEN. LAIBLE** asked how much revenue they bring in on an annual basis to support the McLaughlin Institute. **Mr. Crum** reported anywhere from \$400,000 to \$500,000 on an annual basis. Most of that money is restricted funds for research or education. **SEN. LAIBLE** wondered about the total amount that funds the McLaughlin Institute in a year. **Mr. Crum** advised this year their annual budget is over \$5.3 million.

**SEN. KEN HANSEN** asked where the contributions of \$1.1 million are used. **Mr. Crum** advised that could be a bequest that was restricted to their endowment. They have a small endowment at McLaughlin of about \$2.5 million. The rest of it if it was restricted and would go to a lab for salaries for people working in that lab. **SEN. HANSEN** asked if university students are paid a minimum wage. **Mr. Crum** replied they are given a stipend for working. It is a ten-week program, and the stipend can range from \$1500 to \$2000.

**SEN. BOB HAWKS** addressed **Ms. O'Brien** about her ballet fund-raiser in Bozeman which seemed to be a highly successful event. He wondered if that was a significant fund-raiser. **Ms. O'Brien** advised that Irving Weisman, who was the first student at McLaughlin, was concerned that McLaughlin be known statewide, and he donates the money to bring the ballet. They have to raise that money from ticket sales, and it is a big undertaking by a small staff and volunteers. This was a vehicle for getting the word out about McLaughlin. The research fits in with what is being done nationally.

**SEN. BARKUS** asked **REP. FRANKLIN** for examples of public/private arrangements where government has granted to institutes or organizations such as McLaughlin. **REP. FRANKLIN** advised when the loan was made in the 1990s there was an entity called the Research and Technology Fund that provided loans to research-oriented and science-oriented businesses. Most of them were not successful, and McLaughlin Institute was one of the few that were

successful. At that time in the 1990s there was a big push for funding application-based research that would end up with a particular product where the state thought they would see a return. McLaughlin has done better financially for the state because the quality of science they have been doing is so good. Some of the projects that the state hoped would end up being short-term revenue generators because they developed a new product have not been successful. **Dr. Carlson** added that there are numbers of successful examples of public/private partnerships. One example was Research Triangle Park in North Carolina where the state government made land available for an industrial park to attract biotechnology. McLaughlin has an alliance with Benefis Health Care, which is also trying to ally with the cancer institute in Salt Lake. The Utah Legislature put in \$70 million as an investment to attract researchers into the university which in turn will attract biotechnology. The initiative in California, which is putting \$3 billion into the state for stem cell and cancer research, is not only to do the research; it is to be more competitive with the universities on the east coast to bring people to California. Wisconsin has done well, and the Boston/Cambridge area in Boston received state funding. It is usually seed money; the state does not run these enterprises, but make it easier for the enterprises to be established.

**SEN. TRUDY SCHMIDT** asked **Mr. Carlson** to expound on how this research has progressed and what they are doing now. **Mr. Carlson** advised they use the mouse. When they hire, they hire someone whose research compliments the rest of them so they can work collaboratively as a team. Universities have a direct teaching responsibility. His research is in brain diseases, primarily Alzheimers disease and prion disorders. The Alzheimers research is progressing well and is a collaborative project with people in Minnesota, the Mayo Clinic in Jacksonville, and Harvard at Cambridge. They have mouse models for human disease, used throughout the world, that are developed as part of this collaboration. Some of the therapies that have since been developed elsewhere using these mice are in clinical trials for this disease. For the prion disorders they have a project with Leroy Hood and Stan Prusiner, who won the Nobel Prize in 1997 to try to understand what happens early in the course of the disease. Currently, when a cow comes in for slaughter they have to take a sample of the brain, they send it off for study, and it takes a couple of weeks before they get a result. Their goal is to have a blood test for a healthy animal or a downer cow that would be quick and easy and tell whether an animal is incubating these infectious agents.

**{Tape: 2; Side: B}**

**Mr. Carlson** continued there is a technology that looks at individual proteins and how parts of the cell get transported from one part of the cell to the other. This is important to the development of the brain. One investigator is looking to develop the genetics of the ear and look at different forms of hereditary deafness. Another scientist is looking at the cells that insulate nerve fibers. A common disease would be multiple sclerosis, and the research is for a treatment. All of those are funded by nationally competitive grants from the National Institute of Health. **SEN. SCHMIDT** asked, with the expansion of the facility, if they intend to broaden the research. **Mr. Carlson** replied each of those classes of projects is headed by a principal investigator. A new scientist would be brought in, and the funds would be used to establish that scientist who would take the research in a new direction that is compatible with the mission.

**SEN. LIND** advised he is a former clinical researcher. He asked **Mr. Carlson** to describe the relationship they have with investors and donors with respect to rights, patents, licenses, etc., that may generate revenue. **Mr. Carlson** referred to the Dole amendment that said it is the institution that owns the rights to any discovery that is made.

**CHAIRMAN COONEY** observed the appropriation started out at \$1.5 million and is down to \$750,000. He was curious how that occurred. **REP. FRANKLIN** said they hoped to do a one for one dollar fund-raising. The institute will have to do a one-and-a-half for one fund-raising. The seed money will be of benefit to them.

**Closing by Sponsor:**

**REP. FRANKLIN** advised there is no additional state money, other than the loan they continue to pay back. The collaborative relationships they have with the University System are intellectual collaborations, not financial collaborations. She referred to **SEN. WEINBERG'S** question about city matching funds. Great Falls is a modest community, and McLaughlin Institute is a reflection of that. They have been doing internationally renowned work but are a modest group of people who have developed a remarkable niche for themselves in an city where the growth rate is 1.2 percent annually. The community is not deep in resources. The support that has come from those in private industry who testified today who have embraced the institute as one of the hubs of economic growth on the ground.

**HEARING ON HB 60****Opening Statement by Sponsor:**

**REP. CHRISTOPHER HARRIS (D), HD 66, Bozeman**, opened the hearing on **HB 60**, Indoor cleanup standards for methamphetamine labs. The Environmental Quality Council (EQC), which he served on for the last four years, looked into this issue thanks to former **SEN. CHRIS CHRISTIAENS** bringing it forward. There is no federal or state standard for clean-up. HB 60 provides a clean-up standard, the same standard adopted by Oregon and Washington and similar to about eight other states, and provides other important aspects of the cleanup process including the certification of contractors, a review of that data by the Department of Environmental Quality (DEQ), and notice to subsequent tenants or buyers. If notice is provided that decontamination has occurred, notice is no longer required for subsequent owners. This is similar to asbestos cleanup. In the absence of a cleanup standard and decontamination these properties could well be quarantined. He distributed an excerpt from a report concerning the health effects of the chemicals associated with methamphetamine production.

**EXHIBIT (fcs77a10)**

These chemicals are all highly toxic. The cost for the cleanup would be borne by the property owner.

**Proponents' Testimony:**

**Ed Thamke, DEQ**, read from written testimony.

**EXHIBIT (fcs77a11)**

DEQ worked with those concerned to amend the bill, so DEQ can feel comfortable supporting this legislation.

**Chris Christiaens, Montana Landlords Association, and Montana Farmers Union**, testified he has been trying to get something done on this issue for six years. When there is a lab and the chemicals are mixed they emit fumes that travel. In a multiple family dwelling the entire facility would have to be vacated. Insurance does not cover the damages unless there has been an explosion and fire damage. The tenants are displaced at the cost of the landlord. An entire motel can be closed down. It has been difficult to get agencies to come forward and take responsibility. DEQ has now come forward and will be putting together this program. It is critical that the funding go forward. The jury is still out on what some of the health issues

may be and the liabilities associated with failure to clean up a residence in which there has been a cook. The various components that are used as precursors can cause bronchial problems and are carcinogens.

**REP. JOHN MUSGROVE, HD 34, Havre**, testified since 2001 they have been working on a bill like this. When the drug task force comes in to a property and finds drugs on that property they write a letter and put that letter in the clerk of the court's office effectively putting a lien on the property. There has been no way to deal with the cleanup in such a way that clears that egregious situation and gives the full use of the property back to the property owner. In Havre a person had to tear down a rental because it had a drug lab in it. Whether methamphetamine was stored or cooked there, it is all treated the same. Prior to and during the 2003 session he worked with **REP. JILL COHENOUR** and staff to put forth a bill, but they found they did not have enough information at that time.

**Joan Miles, Lewis and Clark City/County Health Department**, asked for support for the bill on behalf of the health departments from Lewis and Clark, Missoula, Gallatin, Cascade, Yellowstone, Flathead, and Butte Silverbow Counties. There is no consistent statewide policy for what happens after a meth lab is busted and after the physical chemicals and equipment are removed. Public Health Departments, DEQ, and DPHHS have no authority to quarantine property. Language in public health statutes say that health boards can require the cleanup of filth that might cause disease. In some counties after a meth lab is busted it gets recorded on the properties. This bill will give a consistent statewide policy. This is a benefit to the public, the landowners, property owners, hotel/motel owners, car rental businesses, storage facility businesses, etc.

**Jim Campbell, Montana Association of Chiefs of Police, and Police Protective Association**, spoke of a young officer whose doctor has cut him off from busting labs until further testing is done. This could also happen to an innocent family.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. LAIBLE** inquired if any of these properties have been cleaned up. **Mr. Thamke** thought some property owners made an attempt.

**SEN. LAIBLE** asked how long the rulemaking process would take and how long it would take to get certification of these contractors.

He wondered what happens to the materials that are removed from these properties. **Mr. Thamke** advised they are working on this already and have been for a number of years. If placement of a methamphetamine program were to occur within his bureau there is economy of knowledge regarding certification of contractors. He wanted people who contract to do this work to be protective of their employees.

**{Tape: 3; Side: A}**

He was hopeful they would be able to have those criteria for FY06. With regard to waste management, hazardous material waste contractors that come in on DEA (Drug Enforcement Agency) funding remove that material. What is left is solid waste. The solid waste program in the bureau continually receives calls from local landfills which are mostly municipally operated. They do not want to expose any workers when dealing with these carpets, sheet rock, and all the material that needs to be removed from these properties. There is a Solid Waste Advisory Council that will work with owner/operators of municipal solid waste landfills so they know where these labs are and have an idea of the material that might be coming to their facilities. It will not be hazardous waste, but it is special waste. **SEN. LAIBLE** asked who has the ultimate liability. **Mr. Thamke** said that is a concern. There is a sovereign immunity for the state, but he is concerned about his employees and himself. He does not want to have resources dedicated to fight unnecessary lawsuits. There was an immunity provision in the original legislation, and that was taken out during the last round of amendments. He understood the need for people to be compensated for their losses. **SEN. LAIBLE** inquired about other states and the concern about liability. **Mr. Thamke** advised Utah has their legislation up for public comment. If this legislation is successful, they will develop more rapport with sister states in the same situation so they will not have to reinvent the wheel.

**SEN. TESTER** asked about the effort involved in determining standards. **REP. HARRIS** thought the 0.1 micrograms per 100 square centimeters of surface material is well established. Those are the standards in Washington, Oregon, and ten other states. He did not think DEQ's top priority will be second-guessing those standards. If contractors are certified in other states, there is a reciprocity provision that recognizes them as being qualified to work in Montana unless DEQ decides they want to have more stringent certification standards in Montana. There are default provisions in the bill that will make this bill effective immediately upon the signature of the Governor. **SEN. TESTER** asked what most of the money would be used for. **REP. HARRIS** referred the question to DEQ. **Mr. Thamke** advised most of the

\$124,000 in FY 06 would be for an occupational health safety professional and part-time administrative support person. The bulk of operational expenditures would be \$66,500. There would be laboratory services, contracted services, and they are interested in what other chemicals are being emitted in these laboratories. **SEN. TESTER** asked who pays for the work of the contractors or if it will be the department who checks the level of contamination. **Mr. Thamke** replied the owner will pay for the contractors to do the baseline assessment. The people of Montana are investing in the oversight. **SEN. TESTER** inquired if there are penalties for motel owners or landlords who rent their house out knowing there has been a meth lab in that facility. **Mr. Thamke** advised there are no enforcement provisions or penalties associated with this legislation. **SEN. TESTER** wanted to know if there are penalties in the code for people who have a meth lab on their property and rent it out to somebody else without cleanup. **REP. HARRIS** advised there would be both civil liability and potential criminal liability. Civil liability would occur with the negligent exposure to a hotel guest. The criminal endangerment provision of the Montana Code would apply. **SEN. TESTER** observed those remedies are through the courts exclusively. This is partly due to having no standards. **REP. HARRIS** responded that is the main problem they are trying to address. This bill is not a solution to every meth problem or every meth cleanup problem that may exist. This is an important first step to get the standards and the contractor certification in place, and to get the oversight. **SEN. TESTER** said if someone rents out a house to someone else, unless they pursue it through legal avenues the state plays no role in determining whether there has been a crime committed. **REP. HARRIS** answered, that is correct.

**SEN. JOHN ESP** inquired expressed concern that the reasonable standards have some scientific basis on which they are developed. He asked **Mr. Thamke** if he was aware of studies that point to long-term negative health effects or studies that show when something is clean or not. **Mr. Thamke** said that is a valid question. They would adopt the standards of Washington and Oregon as is Utah and other states. It seems to be a workable standard. The only study he was aware of was the National Jewish Research Center in Colorado working closely with the Colorado Department of Public Health. That study found what type of chemicals are emitted, what the potential exposures are for first responders, and what the impregnation is into the structures. That study found there were seriously elevated levels of contaminants that could be adverse to human health. **SEN. ESP** added his concern was with unnecessary lawsuits that might spring up because of standards that are not developed in accordance with some scientific background. He asked what the rules would be

developed for. **Mr. Thamke** advised the rules would try to find the happy medium that meets the needs of both the regulating community and those doing the work. He did not want to be overzealous in creating situations that would be untenable for property owners, but at the same time it would be a goal to be protective of human health and the environment. They would meet with stakeholders during the rulemaking effort which would be overseen by the Board of Environmental Review. That is their legislative oversight council, and their rule writing would have to go through the board for public comment and review. His goal would be to make it palatable to all those who are involved.

**SEN. ESP** asked if he anticipates the bulk of those rules would involve how to clean something up safely or if it would involve the standard. **Mr. Thamke** imagined it would be the standard.

**SEN. ESP** wondered about the baseline assessment being done by the contractor. He wondered if a landlord wanted it why it could not be the department doing an independent look. He saw an opportunity for fraud with the contractors doing both the baseline assessment and cleanup. **Mr. Thamke** advised in the state of Montana they have a good relationship with those doing the work. Because they now have rulemaking authority to prescribe what sort of documentation is necessary by both the contractor and homeowner, he thought the homeowner's protection was the government oversight of the contractor's work. **SEN. ESP** hoped the department could do at least some initial assessment. **Mr. Thamke** said that depends on their budget.

**SEN. WEINBERG** recalled the discussion on the Senate floor where there was a question about why a motel owner does not clean it up themselves. He asked if, hypothetically, somebody could meet the required standards themselves. **Mr. Thamke** acknowledged there would be property owners that would not want to hire contractors to do something they felt they could do themselves. The intent of the legislation is that the properties are put on a website that the department will administer. The only way to get it off the website is to demonstrate that either they have hired a contractor to do the remedial work or the contractor says they have met the standard without having to go through the remedial work. The degree of impact will depend on how long a lab was in operation and what kind of volume they were producing in addition to what kind of chemicals were used. He spoke to many people who had the notations on their property deed with a transient cooking activity involved. He did not want those people to have expenses. They might work to clarify this with **REP. HARRIS** and the stakeholders. A property owner could try to do cleanup work on their own, but will still have to get a contractor to come in and perform the sampling that says they meet the standard. **SEN. WEINBERG** inquired if there is any danger in a motel owner hiring someone who desperately needs work and sending him in to clean up

the mess before DEQ gets involved with their sampling. They might take advantage of a laborer to minimize the level of contamination before the state gets involved. **Mr. Thamke** agreed there are those individuals that would probably take advantage of any person, place, or thing to benefit their own pocketbooks. The scenario **SEN. WEINBERG** proposed is likely and possible. **SEN. WEINBERG** wondered if there was any way to put a penalty in the rulemaking for the person who puts an employee at risk in that manner. **Mr. Thamke** advised they do not have the authority to do penalty assessment or write that into a rule. That would have to be statutory.

**SEN. HAWKS** inquired about the significance of the outside risk to the state and the health departments in being involved without the immunity clause. **Mr. Thamke** advised the basic constitutional sovereignty that exists for the state of Montana would apply to the rulemaking that DEQ engages in. Unless that was arbitrary and capricious, sovereignty would kick in. The Senate amendments removed the immunity for the individual employees of local public health authorities, DEQ, etc. They would be personally liable, and the state of Montana would be liable if negligence can be proven.

**SEN. SCHMIDT** asked **REP. HARRIS** to address the testimony of Dr. Spence in the subcommittee. **Mr. Thamke** advised the testimony of Dr. Spence before the Environmental Quality Council was that he reviewed the literature and could not find any literature that indicated there were adverse health affects from exposure to methamphetamine or its precursors. Since then there has been a study on three major chemicals as well as meth residue itself that indicates there is a major adverse health risk associated with meth labs.

**Closing by Sponsor:**

**REP. HARRIS** clarified the immunity provisions that were in the bill following the Senate amendments make it clear that both notice to the subsequent owner or renter is necessary in addition to the certified cleanup before the immunity kicks in. Regarding the concern about an unsuspecting worker, if an amendment is necessary there is still time, and he would be willing to discuss the possibility.

Recess 10:36

Reconvene 10:45

**HEARING ON HB 577**

***{Tape: 3; Side: A; Approx. Time Counter: 28.4}***

**Opening Statement by Sponsor:**

**REP. DAVE MCALPIN (D), HD 94**, opened the hearing on **HB 577**, Appropriate money to fund rape kits and examinations. The bill would appropriate \$61,000 general fund dollars to increase the conviction rate of rape. The first purpose is a standardized and more uniform rape kit. That is the protocol that health professionals use for collecting evidence. The second purpose is to go towards reimbursement for those women who have been raped who may not be willing or able to report at the immediate time of seeking medical attention. This is an important bill because it overcomes one of the major obstacles to conviction of rape which is good evidence collection. Rape is a prevalent problem in society, but the difficult problem in getting convictions is having good evidence. Under present law, women must decide at the time of seeking medical attention to charge the crime in order for them to be reimbursed for the cost of the examination and the kit, which is usually in the neighborhood of \$600 for the medical examination. This would provide funds for up to about 83 situations where women have the evidence collected, the hospital is reimbursed for the collection of that evidence, and then a woman may later contact the officials and have the crime charged. Some studies are showing that in up to 33 percent of the cases that the crime will be reported, and it can be concluded that prosecution will be more likely.

**Proponents' Testimony:**

**Jenny Daniel, Missoula Crime Victim Advocate Office**, advised she is a member of the First Step Multi-Disciplinary Team and is a survivor. In the initial moments after a person is raped, two key and conflicting factors result. First the mind goes into a state of shock. This is manifested in numbness, flashbacks, and chaotic thoughts. However the trauma manifests, the mind is incapable of making major decisions. The body is evidence, and while the mind is trying to make sense of what has happened the clock is ticking when it comes to evidence gathering. The mind will not come out of the state of shock until it is too late.

***{Tape: 3; Side: B}***

**Kate Cholewa, Montana Coalition Against Domestic and Sexual Violence**, read from written testimony.

**EXHIBIT** (fcs77a12)

**Tina Hedin, Registered Nurse**, testified for the past four years she specialized as a sexual assault nurse examiner. Since 2002 she cared for over 90 victims of sexual assault. In her experience the single, most important step in successfully prosecuting sexual assault victims is the early collection of evidence. The importance of having the evidence collection kit quickly and easily available cannot be stressed enough. It should be done as a standard of care as defined by the International Association of Forensic Nurses which is to obtain evidence within 72 hours of assault. After that time most of the evidence has either been washed away, destroyed, or is healing. She recently cared for a victim of sexual assault who initially presented to a rural hospital. That rural hospital did not have a kit available. This victim was abducted from Yellowstone County at knife point, placed in the trunk of a car, and sexually assaulted. This was kidnaping with intent to kill. Had a family member not known about the assault unit in Billings, this victim may not have followed through on evidence collection. The second step in successful prosecution is education on collecting evidence. The current evidence collection kit was designed by the Montana State Crime Lab and includes step-by-step instructions on how to collect evidence. This gives care providers, who do not have the opportunity to do these exams often, the confidence to provide a thorough, consistent evidence collection exam. She did not think the number of sexual assaults was increasing, but more people are reporting it. For every sexual assault victim that reports there are as many as five that do not. There has been an increase in prosecution in Billings for sexual assaults. None of them went to trial; those that are prosecuted are pleading guilty during the plea bargain phase.

**Matthew Dale, Office of Victim Services and Restorative Justice, Department of Justice**, stood in support of the bill for the reasons outlined.

**Jim Kembel, Montana Association of Chiefs of Police, and Montana Police Protective Association**, said they share the concerns of the proponents and asked for support for the bill.

**Jessica Grennan, Associated Students of the University of Montana (ASUM)**, stated strong support for the bill. Eighty-three percent of rape victims are under the age of thirty. Many of these women are college-aged women for whom a \$600 medical bill is simply not doable.

**Dawn Hayden, Montana Coalition Against Domestic and Sexual Violence**, testified she was previously employed by the YWCA of Missoula. One of her primary responsibilities was to participate on the Western Montana Sexual Assault Crisis Response Team First

Step. First Step is a multi-disciplinary team created with the intention of increasing prosecution and providing the best services to child and adult victims of sexual violence. Her role was to respond to either the emergency room or to the First Step Center, provide advocate support services to victims, and participate in case review. HB 577 will provide victims the time needed to work with an advocate, get support, and make a decision about reporting. This will insure timely evidence collection which promotes the identification, apprehension, and prosecution of offenders.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. COBB** referred to page 2, line 2 of the bill and inquired if the intent was to pay for all examinations or just what was being appropriated. He wondered if it was subject to appropriation every session. **REP. MCALPIN** advised that was the first time that question came up in four hearings. It was not their intent to pay for every one. Once the \$61,000 runs out, that is the end of the program for the biennium. It is not meant to be an ongoing program. **SEN. COBB** said the way he interpreted the bill was they would automatically appropriate \$61,000 in the budget next session. **REP. MCALPIN** said it was their intention for it to be one-time. **SEN. COBB** said the Department would have to pay for the examinations next session. **REP. MCALPIN** reiterated it was not their intent for it to be a permanent, ongoing program.

**SEN. STAPLETON** inquired how this policy changes the policy of rape in the prisons. **REP. MCALPIN** responded he did not anticipate an effect on the Department of Corrections. **Mr. Dale** replied he is not an attorney and did not know what the policy is for prison rape. The intent of this bill has been in a non-incarcerated setting. **SEN. STAPLETON** advised in current law when there is an allegation of rape, the exam is paid for already. He inquired what functionally would change from current law. **Mr. Dale** answered that currently a decision must be made by the victim of the crime to move forward to prosecute in order for law enforcement to be on the hook for paying for that exam. If a victim shows up at a hospital or a medical center and says they are not sure they want to prosecute, sometimes that exam is not done. If it is done, and the 72 hours passes, the understanding is that evidence is no longer viable and therefore the cost of that exam would be the responsibility of the victim, not of local law enforcement. It is only if the prosecution is going to move forward that law enforcement needs to pay those costs because it

is an evidentiary procedure. **SEN. STAPLETON** asked if the victim is actually told they will have to pay for this. **Mr. Dale** said that is correct, or in some cases the exam is not even done because the hospital or the medical facility realizes they may get stuck for that bill.

**SEN. BARKUS** inquired what percentage of victims choose to prosecute after the 72 hours. **Ms. Cholewa** advised the statistic is that 25 to 33 percent of victims who report do so within a week to a month after seeking medical attention for the attack. Of those, 25 percent report within a week.

**SEN. SCHMIDT** asked **Ms. Cholewa** about other states. **Ms. Cholewa** advised a sexual assault nurse from Bozeman testified in another hearing that this was done in other states and that she has talked to some of those nurses. **SEN. SCHMIDT** wondered if a lot of hospitals have forensic nurses. **Ms. Cholewa** indicated Billings and Missoula have units like that.

**Closing by Sponsor:**

**REP. MCALPIN** declared there is a dilemma for the woman who has to make decision about the prosecution relative to whether or not she can afford \$600 for an examination. He said it cannot be guaranteed there will be an increase in prosecution, but there is a great likelihood there will be. He urged support for the bill.

**HEARING ON HB 438**

*{Tape: 3; Side: B; Approx. Time Counter: 22.9}*

**Opening Statement by Sponsor:**

**REP. ROSALIE (ROSIE) BUZZAS (D), HD 93**, opened the hearing on **HB 438**, Braille literacy services for blind or visually impaired children. Copies of HB 438 in Braille were distributed to the committee.

**EXHIBIT (fcs77a13)**

This bill provides needed resources and qualified personnel to help teach the blind and visually impaired students in the school system. When a blind or visually impaired student and their parents elect for him or her to remain home and attend school in their local districts it is a challenge for both the students and the school system to meet their educational needs. In recognition of those challenges, the Montana School for the Deaf and Blind, the Office of Public Instruction, and the Montana

Association for the Blind worked together to craft a program to help blind and low vision students obtain a quality education. Braille for blind students is literacy. It also gives them the skills they need in school in math, science, history, and every other subject they will learn. In other hearings there was testimony from two Braille-reading students that Braille is their means for learning sentence structure, for reading all materials in school, and for getting a good education. They also heard from officials at the University of Montana that blind students who started at the U of M and did not have Braille mastered have not fared well in school and in most cases have had to learn Braille to be able to complete college. The bill adds two new outreach specialists to the Montana School for the Deaf and Blind to help schools identify where Braille would be appropriate and help the school develop the student's individual education program around reading Braille. It creates two new Braille specialist positions who will work with school districts to provide expertise in teaching Braille. These individuals will help set up needed Braille equipment and also help school personal to understand the basics of Braille and how it is taught. The bill further aligns the Montana statutes with the federal Individuals with Disability Education Act (IDEA). IDEA requires that, for blind and visually impaired children, Braille must be considered and used as appropriate. The bill sets up an equipment loan program to be administered by the Montana School for the Deaf and Blind. School districts will be loaned Braille embossers and other Braille equipment on a temporary basis. It will be up to each school district to eventually purchase the Braille equipment the students need. The bill directs the Board of Public Education to establish standards to insure that individuals who provide Braille instruction are appropriately trained and supervised. Once the standards are established the Braille specialist will be able to help train those at the local level who have instructional responsibilities for teaching children Braille. The cost is \$440,000 for the biennium.

**Proponents' Testimony:**

**Jim Marks, Montana Association for the Blind,** testified he is blind, and is a Braille reader. He learned Braille to preserve his job. It took him two months to learn Braille code and use it well enough to take notes for a non-profit board. Braille is a simple tactile code invented by a child two centuries ago. It is a valid tool and getting better. The Association has always advocated for literacy for blind and visually-impaired people.

**{Tape: 4; Side: A}**

He first became aware there was a problem with Braille literacy in Montana and across the country in his job. He works as the

Director of Disability Services at the University of Montana and has been in the position for seventeen years. He observed a student who failed. The student later came back after learning Braille, earned a masters degree, and is doing well. That is a common story because the schools do not do a good job of teaching vision-impaired children how to read and write. Part of it is because before the main-streaming movement in education blind Montana children learned in a residential school at the Montana School for the Deaf and Blind. The expertise and the resources that were concentrated in the residential schools did not follow into the neighborhood schools. This bill gives the School for the Deaf and Blind the ability to contribute to the local schools for the hard work it takes so vision-impaired children can read and write.

**Gwen Beyer, Missoula,** testified her daughter was diagnosed as blind at five months old. Early intervention services started in their home to keep her developmentally on track. She was transitioned to pre-school services in Polson. The school did not know what to do. They thought about moving to Great Falls but moved to Missoula in hopes of finding a certified Braille teacher. **Ms. Beyer** gave up a teaching position in Polson, and her husband gave up a business he was going to buy. Their family and friends were left behind in Polson when they moved to Missoula. A woman came out of retirement and taught Braille to the child. **Ms. Beyer** asked her now ten-year-old daughter Lauren what to say to the committee and her daughter said to tell them Braille is everything. Ten percent of the blind or visually impaired are Braille readers. Montana is the fourth largest state in the nation and there are 179 visually-impaired or blind students. There are four outreach consultants from the School for the Deaf and Blind. Typically, a teacher should have a caseload of twelve. Loren continues to learn Braille and wants to be a lawyer or stenographer.

**Darrel Rude, School Administrators of Montana,** testified in support of HB 438. When a blind or visually impaired students moves to a school the scramble begins to provide adequate services and needed instruction for these students. He served as principal of the Lockwood School District. There were blind students in the school, and the school advertised nationwide to find certified instructors. They had not one applicant from the entire nation. They offered competitive salaries and benefits. The School for the Deaf and Blind provides amazing services for the children of Montana, but they need additional manpower.

**Steve Gettel, Montana School for the Deaf and Blind,** advised this was a collaboration with the Montana Association for the Blind to come up with an expansion for the services to the school. This

is an important issue for the school because it is their statutory obligation to provide technical assistance to school districts who are serving deaf and blind children. He provided data to the committee.

**EXHIBIT (fcs77a14)**

There was a new proposal submitted last biennium to increase their outreach staff. There are 174 children on outreach caseloads, which is an average of 58 students per outreach consultant. They planned to submit a new proposal this biennium. They had a phone conference with the previous budget director in February of last year and were told if they could not come up with funding out of existing law for any new proposals then the budget office was not going to submit anything. That is why this did not show up in HB 2 in their budget. It is an ongoing need to have more folks working with sensory-impaired children around the state of Montana. The consultants find someone in a district that is willing to learn Braille ahead of the child and then teach that child Braille skills. Consultants were not able to come up with someone willing to teach four students this year. For each student the school is able to move from supported work to a self-supported position there is a contribution to the Montana economy of over \$300,000 over that student's lifetime. The school districts that have staff with specific training in the area of blindness are Missoula, Browning, Great Falls, Sidney, Billings, and Helena. The Idaho School for the Deaf has a regional program with 13 outreach consultants with caseloads of about 26. Oregon is divided into service regions with caseloads of 15. At those numbers direct instruction can be provided as opposed to consultation. A blind child must have access to the curriculum through Braille or some other means of technology, to a teacher that is trained to instruct them, and they must have supplies and materials needed for that instruction. Those components are contained in this bill to increase the resources available to these children so they have a chance to become literate adults.

**Bob Runkel, Office of Public Instruction (OPI)**, testified for **Superintendent Linda McCulloch** as a proponent. Schools depend on the expertise that the Montana School for the Deaf and Blind offers. Special education teachers are generically trained and need assistance on what instruction to provide children with specific disabilities, particularly those with sensory impairments. The bill is consistent with the Individuals with Disabilities Education Act. The Act presumes that children who are blind shall be taught Braille unless there is reason otherwise. If a child has multiple disabilities, it may not be appropriate. For many blind children it is very appropriate.

Special education is about improved outcomes and this bill is a key to that.

**Dan Burke, Montana Association for the Blind,** testified he also works at Disability Services at the University of Montana. Braille equals literacy for blind folks. He has seen a number of blind and low vision students who did not have the basic literacy it took to be successful who had to go back to be re-trained and went on to be successful. He believed we are on the threshold of the Golden Age of Braille. With new technology, many files are available electronically that can be produced in Braille quickly on site. Braille note takers can carry a number of books and documents in a format that can be read in Braille at any time. This gives a blind person tools at their fingertips. He began using Braille as an adult. He had a degenerative eye disease as a child and had to sit in the front of the class. When he went to college he started using books on tape. He realized he needed Braille when he lost a job in an interview. Braille is critical in his work and his day-to-day life. For the last several years he has learned to speak Irish. He scans the printed materials into the computer, transfers the file to his Braille note taker, makes some adjustments in the file, and reads it in Braille. It is not only about his job but enriches his life as well.

**Nancy Getten, former Braille teacher, Montana State School for the Deaf and Blind,** advised she taught there for twenty years. Since she retired in 2002 she continued her involvement by substitute teaching, transcribing print into Braille, administering college entrance exams in Braille, and supervising student teachers who are working to become teachers of the blind at masters level. She has a bachelor's degree in elementary education, a special education endorsement, and a master's degree in working with the blind. She believes that all students are entitled to an opportunity to be literate, and in the case of a visually impaired student the best option to read print is reading Braille. Braille is not reserved for the totally blind. Often, low vision students are overlooked because they are able to read large print when they are young. As that student gets older and the print gets smaller these students are likely to suffer greatly their ability to read and write. Learning Braille does not come quickly and a student will need a minimum of a half hour to an hour a day strictly on learning Braille through ninth grade. At that point they will need continued instruction in technology into adulthood. This cannot be accomplished without more help in this area in Montana. Finding qualified teachers and para-professionals to teach Braille is difficult. In a rural state like Montana the para-professionals are depended on to be the Braille teachers and need continued support. **Ms. Getten** emphasized that 85 percent of those who use Braille as their

primary method of reading are employed. Therefore, she believes that money invested now will pay dividends in the future for these students in their work and personal lives.

**Matthew Castner**, spoke in support of the bill. When he was six years old he received Braille instruction at the School for the Deaf and Blind. His parents made the decision to have him mainstreamed in his home town. There was a lack of knowledge in that rural area of where to get services. The School for the Deaf and Blind helped with that. He thought it would be wonderful to increase the amount of people working for the school, especially in the rural areas. Braille is as important as a sighted person learning to read print. Technology is wonderful, but technology breaks and batteries die. He owns his own business, and for that he needs Braille. He urged support for the bill.

**{Tape: 4; Side: B}**

**Carl Schweitzer**, **Montana Association for the Blind**, advised he help put the bill together and was available for questions.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. HAWKS** advised he is a trained optometrist and questioned the visual acuity requirements in the bill. It becomes a dysfunctional problem when the print has to be pulled so close that your scan is difficult. In his judgment that would probably be around five inches for newspaper print size. He asked where this guideline originated. **Mr. Runkel** replied the standard of 20/70 is in the current state administrative rules as a minimum visual ability that would trigger consideration of eligibility for having a visual impairment. It is not necessarily equated with blindness per se. The important issue relative to where that provision rests within this bill is for those children who have that level of vision it would trigger an evaluation to determine if Braille is appropriate. It would not necessarily require the provision of Braille. **SEN. HAWKS** asked if the assessment would be done by one of the low vision clinics in the state. **Mr. Runkel** replied the provision is a multi-disciplinary provision. There would likely be input from low vision clinics, physicians, optometrists, ophthalmologists, etc. It is likely to include staff from the Montana School for the Deaf and Blind and the family.

**Closing by Sponsor:**

**REP. BUZZAS** repeated that Braille is literacy to blind individuals. It is as important to education and employment as learning to read and write is to sighted individuals. Nationally, 80 percent of adult blind individuals are unemployed. This bill addresses access to a quality education for everyone. The expertise in working with blind and visually impaired students is at the School for the Deaf and Blind. Not everyone wants to move to Great Falls in order for their children to receive an education there. She stressed that more outreach workers are needed. Doing this on a regional basis is the most cost effective way to provide resources to blind students. She hoped they could fund the bill this session. She suggested there may be a way to move some of the equipment costs into the 2005 budget. She offered to work with the committee to get this program going. **SEN. DAVE LEWIS** would be asked to carry the bill on the floor of the Senate.

**EXECUTIVE ACTION ON HB 288**

*{Tape: 4; Side: B; Approx. Time Counter: 9.2}*

**Motion:** SEN. COBB moved that HB 288 BE CONCURRED IN.

**Motion/Vote:** SEN. COBB moved that HB028801.ADB BE ADOPTED.

**Motion carried 11-0 by voice vote.**

**EXHIBIT (fcs77a15)**

**Motion/Vote:** SEN. COBB moved that HB 288 BE CONCURRED IN AS AMENDED. Motion carried 11-0 by voice vote.

Recess 12:00 p.m.

Reconvene 4:05 p.m.

**HEARING ON HB 264**

*{Tape: 4; Side: B; Approx. Time Counter: 11.1}*

**Opening Statement by Sponsor:**

**REP. JEANNE WINDHAM (D), HD 12, Polson,** opened the hearing on **HB 264**, Redirect restitution payments to office victim services.

**REP. WINDHAM** advised the Montana Crime Victim Compensation Program was created in 1978 to assist innocent victims of crime with wage loss, mental health, medical, and funeral expenses.

Some of the crimes involved include homicide, rape, domestic violence, stalking, assault, child sexual and physical abuse, and drunk driving. This program can pay up to \$25,000 in benefits which are paid directly to the provider or to the victim if the victim has already paid the expenses. In 1995 legislation was passed directing the program to monitor and collect restitution from criminal defendants whose victims receive benefits from the program. Restitution monies collected are now deposited directly into the state's general fund. There is a full-time restitution officer whose efforts to collect funds owed to the state improve every year. This individual works actively with the Department of Corrections staff and clerks of court to secure the funds owed to the program. Each year the amount collected increases. The state contribution to this program has remained unchanged since 2000. Medical costs continue to increase substantially each year, and the program runs out of money earlier each year. For the past two years the program exhausted all available funds before the end of year. Victims and providers are forced to wait until the start of the next fiscal year to be paid. HB 264 provides a way to make additional dollars available to victims without tapping the general fund by using funds recovered from the criminal offenders to pay compensation claims. The federal government matches any dollars contributed by the state of Montana to the program at the rate of 60 percent. Because these recovered funds are being deposited into the general fund, Montana is not receiving federal matching dollars. If the fund program were allowed to use those recovered dollars to pay claims, federal funds would match those dollars significantly increasing funding for the program. Those federal dollars come from fines and forfeitures in federal crimes.

**Proponents' Testimony:**

**Pam Bucy, Assistant Attorney General, Department of Justice,** said the bill is trying to get more money for a valuable and efficient program without directly asking for a larger appropriation. They are asking that restitution money go into a special revenue account in the Office of Victim Services to be used to pay claims. She estimated this would increase their funding by about \$200,000 a year. They hope the increase will at least get them up to the amount they need to be current instead of starting every single biennium in the negative. She indicated **Matt Dale** was available to answer questions.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. COBB** inquired if the bill cannot pass as it is because of the fiscal note if Section 4 would be sufficient. **Ms. Bucy** did not know what money there would be without the whole bill.

**SEN. LAIBLE** inquired about the set amount. **Ms. Bucy** indicated the appropriation is a little over \$500,000 and runs the entire office. The problem with the money collected from restitution going into the general fund is it does not count as money that they have and is not matched by the federal government at all. This bill would give them that extra money plus another \$200,000 that the federal government will match. They do not want their appropriation lowered because they use it all.

**Closing by Sponsor:**

**REP. WINDHAM** added this bill has gone through four hearings and has been on the House floor twice. The \$500,000 that had been appropriated has been exactly the same since 2000 and she again cited the rising cost of health care. The \$200,000 would allow this program to tap into 60 percent matching dollars.

**HEARING ON HB 336**

***{Tape: 4; Side: B; Approx. Time Counter: 21.7}***

**Opening Statement by Sponsor:**

**REP. MICHAEL LANGE (R), HD 55, Billings**, opened the hearing on **HB 336**, Revise developmental disability services. The bill had four hearings and strong support in the House. The bill addresses the issue of developmentally disabled students that have not turned 19 yet. When they graduate from high school or turn 18 there is a funding gap for those students. As the fiscal note points out the Department estimates there about 40 individuals statewide that would qualify for the service. There is no program available to help these individuals due to what he called the waiting list issue. Montana has a waiting list of approximately 500 individuals who would qualify for care but get nothing. He researched the statute and nowhere in Title 33 does it give the state the ability to create a waiting list. If an individual is eligible for services they should be getting services of some kind. Under the bill, if the individual remains in school and is eligible for care, the ANB money would go to the school. If that individual does not want to go back to school after they have already graduated they can get community-based services authorized by the department. Section 3 of the bill lists community-based services that individuals are eligible to receive. The bill enables the Department to offer financial

assistance to an individual if they cannot get into a program. This will keep an individual from going to an institution and may help avoid a lawsuit in the future. An individual with a developmental disability who is eligible for services is not automatically excluded from getting Medicaid. The bill offers flexibility for the Department.

**Proponents' Testimony:** None.

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

**SEN. WEINBERG** inquired whether this leaves all the discretion up to the Department as to the level of services and the type of services. **REP. LANGE** advised if the Department were to give financial assistance to an individual they would have to be able to give it to them for a qualified community service. **SEN. WEINBERG** was curious whether the Department was in favor of the bill and why they were not there to testify.

*[Tape: 5; Side: A]*

**REP. LANGE** replied the Department said they were fine with it. In the Department's view it was not a bill they brought forward or listed as a high priority item. They never testified against the bill and were satisfied with the language as it was written. It gives them flexibility to work with OPI and the care providers. **SEN. WEINBERG** said he was surprised the Department was not there in support because this would change the way they provide services to the group which has been under-served for years. He inquired whether the Department gave any indication that they are against the bill. **REP. LANGE** replied, absolutely none. In the first hearing their only concern was that the language that was drafted be mutually workable between OPI and DPHHS to make sure that the money was either going to the ANB to the school in that particular case or it was going to a community-based program.

**SEN. LIND** referred to the fiscal note and noted this is not a typical Medicaid match. **REP. LANGE** advised if the money goes to the ANB formula they do not get the same Medicaid match than they would otherwise. The Department feels about ten individuals will choose the school option.

**Closing by Sponsor:**

**REP. LANGE** said of all the bills he worked on this session this is the one he spent the most time on. There was a small number of individuals affected, but the number of families it affects is huge. In spite of the best efforts of the Department, and no matter how the Legislature funds it, the waiting list issue is difficult. Without a program in which to place somebody, under current law they get nothing. He asked the Department if there was a way to offer a tool to help those folks without breaking the bank while they continue to figure out ways to decrease the waiting list. In Governor Martz's proposed budget she proposed \$660,000 of new revenue that would move 15 people from the waiting list. Over the biennium \$400 per month per individual would move the entire waiting list if it was funded at \$1.08 million a year. He submitted it does not have to be a full-blown program; sometimes a little help to the families through the appropriate program can make the difference.

Recess 4:31 p.m.

Reconvene 4:45 p.m.

**EXECUTIVE ACTION ON HB 745**

*{Tape: 5; Side: A; Approx. Time Counter: 8.0}*

**Motion:** SEN. COBB moved that HB 745 BE CONCURRED IN.

**Motion:** SEN. GALLUS moved that HB074501.ATP BE ADOPTED.

**EXHIBIT** (fcs77a16)

**Discussion:**

**CHAIRMAN COONEY** indicated this is an issue that has recently come up that has caused problems for the Department of Corrections. Without the amendment there will be an audit. If the amendment passes it will help solve the problem.

**SEN. BALES** explained the county jail budget came in way over what they had anticipated. The WATCh program and the pre-release centers came in over budget. There were more people than what they had budgeted for.

**SEN. SCHMIDT** mentioned the nursing shortage and the level of overtime as issues.

**SEN. BALES** thought it was mainly caused by more people in the system than what they had forecast.

**SEN. ESP** inquired if it had anything to do with the rates on reimbursement to counties. **SEN. BALES** advised the rates have all been set. The problem is there were more inmate days.

**CHAIRMAN COONEY** indicated he would oppose the amendment. He was reluctant to add another million dollars to this particular bill. It was his understanding that the Department, although they could use the money, can get by through the biennium. The budget office is willing to work with them. It will possibly cause them to get written up on the next audit. They would be able to say they attempted to get the Legislature to address this, and the Legislature chose not to.

**SEN. BOB KEENAN** asked if this had something to do with the Speaker's concern about the 50/50 rule. **CHAIRMAN COONEY** replied that **SEN. KEENAN** was far more crafty than he was on matters like that.

**Vote:** Motion that HB074501.atp BE ADOPTED failed 4-15 by roll call vote with **SEN. BALES**, **SEN. BARKUS**, **SEN. BRUEGGEMAN**, and **SEN. ESP** voting aye.

**Vote:** Motion that HB 745 BE CONCURRED IN carried 12-7 by roll call vote with **SEN. BALES**, **SEN. BARKUS**, **SEN. BRUEGGEMAN**, **SEN. ESP**, **SEN. KEENAN**, **SEN. LAIBLE**, and **SEN. STAPLETON** voting no.

#### EXECUTIVE ACTION ON HB 505

*{Tape: 5; Side: A; Approx. Time Counter: 15.1}*

**Motion:** **SEN. GALLUS** moved that HB 505 BE CONCURRED IN.

#### Discussion:

**SEN. LANE LARSON** advised he would oppose this bill. Miles City Community College has video-conferencing which is about six blocks from the Pine Hills School.

**SEN. ESP** indicated there are two different kinds of video-conferencing. The one they propose to use is more adaptable to other uses than the one down the street.

**SEN. BALES** expressed agreement with **SEN. ESP**.

**SEN. LAIBLE** mentioned they could also use this for counseling. It would not be appropriate to transport clients. He thought it was a pay now or pay later situation and suggested paying for the

system now to have the flexibility for Pine Hills. He thought it was a good bill.

**Vote:** Motion that HB 505 BE CONCURRED IN failed 6-13 by roll call vote with SEN. BALES, SEN. BRUEGGEMAN, SEN. GALLUS, SEN. KEENAN, SEN. LAIBLE, and SEN. STAPLETON voting aye.

**Motion/Vote:** SEN. COBB moved that HB 505 BE TABLED AND THE VOTE REVERSED. Motion carried 13-6.

#### EXECUTIVE ACTION ON HB 277

*{Tape: 5; Side: A; Approx. Time Counter: 19.6}*

**Motion:** SEN. GALLUS moved that HB 277 BE CONCURRED IN.

#### **Discussion:**

SEN. BARKUS said this was another hijacking bill of Montana state parks monies. It is unrelated to the state parks. If it was a fisheries appropriation, he thought that would be fine. The state park's budget is not flush with money like everybody seems to think it is. The state parks of Montana are in a serious state of disrepair. He urged the committee to resist this motion.

SEN. GALLUS said he made the motion for purposes of discussion and could not agree more with SEN. BARKUS. He thought REP. MAEDJE had good intentions, but he did not think the bill was thought out properly when it was written and did not use the proper pot of money.

SEN. KEENAN inquired about the parks acquisition trust and if was about \$12 million. Ms. Purdy indicated she could find out. SEN. KEENAN replied it would change the outcome of this vote.

**Motion/Vote:** SEN. COBB moved that HB 277 BE TABLED. Motion carried 15-1 by voice vote with SEN. STAPLETON voting no.

#### EXECUTIVE ACTION ON HB 476

*{Tape: 5; Side: A; Approx. Time Counter: 22.3}*

**Motion:** SEN. WEINBERG moved that HB 476 BE CONCURRED IN.

#### **Discussion:**

**SEN. WEINBERG** stated they were about to pass this bill the previous Friday, and he had some questions about it and asked for more time. He now felt comfortable with it. This is a good system to check up on misdemeanor offenders funded through the marriage license fee.

**SEN. STAPLETON** thought it was a horrible bill. The motion to table failed by one vote. He had no problem with the program they were trying to fund, but did not favor increasing the marriage license fee. There is a strong opposition to that by many people. He would rather the bill be funded with general fund or some other source of revenue.

**SEN. BARKUS** spoke in opposition. He did not think people getting married were the ones having the violence problems for the most part; it is people who are not married. This is just taxing those folks that go out and sanctify the institution of marriage. He would not vote for the bill.

**SEN. LIND** asked **SEN. STAPLETON** about the opposition to the bill. He wondered if the opposition was on the committee because he recalled no opponents to the bill. **SEN. STAPLETON** stressed there is no small resentment to this from many people who consider it a fee increase on marriage. He hoped they could find a different funding source if this bill is important. General fund would be fine with him. The message on increasing the fee for getting married has more than one dimension to it.

**SEN. WILLIAMS** said she supported the bill. She would prefer they had a program to fund this and not have to put it on marriage licenses. Twenty-six other states do it; it is a funding stream that is very common to use for domestic violence appropriations. Since they will not fund it any other way she supported doing it with the marriage license fee just because it is a stream of revenue they can use. She hoped the committee would vote for the bill.

**SEN. LAIBLE** said he would oppose this. This is just one more fee. If it was a good idea then the state ought to pay for it out of the general fund. This takes people who are consummating their relationship and putting it before God forever and penalizing them for getting married by paying a higher fee. He claimed the majority of the problems of domestic abuse comes from people that are not married.

**SEN. GALLUS** advised he was a recent applicant for this license. He got married in late November. The fee has been \$30 for a long time. In lieu of the expense of his wedding he did not think an increase of \$23 was significant. It is going to a good program

and one he supports wholeheartedly. Unlike the previous bill that would have taken the money from parks for an irrigation project where there was a definite disconnect, there is a definite connection between this fee and where the dollars would go.

**SEN. LARSON** disagreed with the notion that married people do not have any violence problems. He referred to the red silhouettes currently displayed in the capitol and stated that a lot of those victims were married.

**SEN. LIND** inquired about documentation for the assertions of **SEN. BARKUS** and **SEN. LAIBLE**. He wondered if they had data to support their comments with respect to the distribution of violence related to non-married. **SEN. LAIBLE** said he did not, but he did not hear testimony in the hearing that said the majority of the abuse comes from married couples as far as a percentage.

**SEN. ESP** noted he made his speech on Friday and it was a pretty good speech.

**SEN. WILLIAMS** advised the marriage license fee has not been raised since 1981.

**SEN. WEINBERG** said this is a small increase for a marriage license. He thought the marriage license fee is just a small down payment to an otherwise enjoyable but very expensive enterprise. He thought it was appropriate. He did not know the statistics about married people getting into this kind of trouble versus non-married. His sense was that married people are not immune and that it is a problem with married folks as it is with non-married folks. This is a good program, and this is as good a way as any to fund it.

*{Tape: 5; Side: B}*

**Vote:** Motion that HB 476 BE CONCURRED IN carried 11-8 by roll call vote with **SEN. BALES**, **SEN. BARKUS**, **SEN. BRUEGGEMAN**, **SEN. COBB**, **SEN. ESP**, **SEN. KEENAN**, **SEN. LAIBLE**, and **SEN. STAPLETON** voting no.

#### EXECUTIVE ACTION ON HB 577

*{Tape: 5; Side: B; Approx. Time Counter: 1.0}*

**Motion:** **SEN. COBB** moved that HB 577 BE CONCURRED IN.

**Motion:** **SEN. COBB** moved that HB057701.AVL BE ADOPTED.

**EXHIBIT (fcs77a17)****Discussion:**

**SEN. COBB** indicated there was \$61,000 general fund appropriated to fund rape kits and examinations. The way the bill was currently written it said the Department of Justice has to pay for all examinations being done by the local entities. The amendment makes clear that the Department will pay as long as funds are available from the appropriation made for this purpose. It was not the intent of the sponsor to do all examinations. Next biennium they would get another appropriation.

**SEN. HAWKS** inquired about the House vote on this bill. He was told the bill passed unanimously in committee and 87 to 13 on the floor of the House.

**SEN. BARKUS** thought this was a good program and was disappointed they were only funding \$61,000. With the size of the budget in the Department of Justice, if this is under-appropriated they can come back for a supplemental. He thought they ought to pay for all the kits and examinations. **SEN. COBB** indicated if they vote down the amendment that implies the Department has to pay for all and come for a supplemental. **SEN. BARKUS** urged the committee to resist the amendment. If the amendment fails, the Department will have to pay for it, but it will not show up in their budget now.

**SEN. WEINBERG** asked for clarification on the best way to assure this will be funded. **CHAIRMAN COONEY** advised if they approve this amendment it puts up some limitations. There would be \$50,000 used for kits. That is what the sponsor and the individuals supporting this came forward with. He said **SEN. BARKUS** raised a very good point; if this is a good program they would be better off without this particular amendment. His feeling was they were being asked for \$61,000 in general fund. He thought perhaps they were looking at this as some sort of pilot to see how it works. He guessed that if it works they will be back or the Department will come in with a new proposal in their next budget.

**SEN. LAIBLE** agreed this is to be considered like a pilot program with data being collected. He thought this is a good amendment because it sets in place that if it is a pilot and if it works and is successful it could be funded with more money.

**SEN. KEENAN** observed the fiscal note has \$61,000 in the first fiscal year of the next biennium. It is not in HB 2 but is on the status sheet as having a potential impact of \$61,000. He

inquired if that means if it is a successful project it ceases to exist for the second year of the biennium and then is a supplemental or if it is a biennial appropriation. **SEN. COBB** indicated it is a biennial appropriation.

**SEN. GALLUS** asked for an example for when a local agency is not responsible to pay for this. **CHAIRMAN COONEY** explained if a victim comes forward and presses charges then the local agency will pick up the tab. If a person comes forward, goes to the hospital, goes through the test, and decides not to press charges then the victim is billed for the exam.

**Vote:** Motion that HB057701.AVL BE ADOPTED carried 11-8 by roll call vote with **SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. GALLUS, SEN. KEENAN, SEN. LARSON, SEN. LIND, and SEN. WEINBERG** voting no.

**Motion:** **SEN. COBB** moved that HB 577 BE CONCURRED IN AS AMENDED.

**Discussion:**

**SEN. BRUEGGEMAN** said in light of the previous discussion he wondered if there was some will in the committee to increase the appropriation to \$100,000.

**Vote:** Motion carried 16-1 by voice vote with **SEN. ESP** voting no.

**ADJOURNMENT**

Adjournment: 5:22 P.M.

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SEN. MIKE COONEY, Chairman

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PRUDENCE GILDROY, Secretary

MC/pg

***Additional Exhibits:***

***[EXHIBIT \(fcs77aad0.PDF\)](#)***