

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By Chairman John Sinrud, on March 23, 2007 at 7:08 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. John Sinrud, Chairman (R)
Rep. Eve Franklin, Vice Chairman (D)
Rep. Janna Taylor, Vice Chairman (R)
Rep. Bill Beck (R)
Rep. Tim Callahan (D)
Rep. Bill E. Glaser (R)
Rep. Ray Hawk (R)
Rep. Cynthia Hiner (D)
Rep. Galen Hollenbaugh (D)
Rep. Joey Jayne (D)
Rep. Dave Kasten (R)
Rep. Bill McChesney (D)
Rep. Penny Morgan (R)
Rep. John L. Musgrove (D)
Rep. Rick Ripley (R)
Rep. Jon C. Sesso (D)
Rep. Jack Wells (R)
Rep. Craig Witte (R)

Members Excused: Rep. Edith Clark (R)

Members Absent: None.

Staff Present: Linda Keim, Committee Secretary
Jon Moe, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 794, HB 665, HB 95, HB 125, HB 835, HB 836, HB 837, 3/16/2007
Executive Action: HB 6, HB 8, HB 9, HB 368

EXECUTIVE ACTION ON HB 6

00:00:01 **Motion:** Rep. Kasten **HB 6 DO PASS.**

00:00:13 **Motion:** Rep. Kasten moved **TO AMEND.**
EXHIBIT (aph62a01)

Discussion:

00:00:43 Rep. Kasten

00:01:09 Rep. Sinrud

00:02:08 **Vote:** Motion carried 19-0 by voice vote. Rep. Sesso,
Rep. Hawk, Morgan, Clark voted by proxy.

00:02:42 **Motion:** Rep. Kasten moved **HB 6 DO PASS AS AMENDED.**

00:02:51 **Motion:** Rep. Glaser moved **CONCEPTUAL AMENDMENT for**
CONTINGENT 'VOIDNESS' on HB 806, HB 807, HB 808, HB
809, HB 818, HB 819, and HB 820.

00:03:25 **Motion:** Rep. Musgrove moved **ADD HB 223 to the above.**

00:03:45 Rep. Sinrud suggested waiting and bringing HB 223 as a
separate amendment.

Discussion:

00:04:06 Rep. Callahan

00:04:13 Rep. Glaser

00:04:31 Rep. Musgrove

00:04:46 Rep. Glaser

00:05:03 Rep. Musgrove **WITHDREW HIS MOTION** and called for the
question.

00:05:48 **Vote:** Motion carried 11-8 by roll call vote, with Rep.
Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep.
McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep.
Musgrove voting no. Rep. Sesso, Rep. Clark, Rep.
Morgan, and Rep. Hawk voted by proxy.

00:07:09 Rep. Musgrove stated he would not add an amendment.

00:07:24 **Motion:** Rep. Kasten moved **TO AMEND.**
EXHIBIT (aph62a02)

Discussion:

00:08:05 Rep. Kasten
00:08:14 Rep. Jayne
00:08:20 Rep. Kasten
00:08:25 Rep. Ripley

00:09:19 **Vote:** Motion carried 19-0 by voice vote. Rep. Sesso,
Rep. Clark, Rep. Morgan, and Rep. Hawk voted by proxy.

00:09:40 **Motion:** Rep. Kasten moved **TO AMEND.**
EXHIBIT (aph62a03)

Discussion:

00:09:59 Rep. Kasten
00:10:31 Rep. Witte
00:10:48 Rep. Kasten

00:10:57 **Vote:** Motion carried 19-0 by voice vote. Rep. Sesso,
Rep. Clark, Rep. Morgan, and Rep. Hawk voted by proxy.

00:11:19 **Motion:** Rep. Kasten moved **TO AMEND.**
EXHIBIT (aph62a04)

Discussion:

00:11:44 Rep. Kasten

00:12:42 **Vote:** Motion carried 15-4 by roll call vote, with Rep.
Franklin, Rep. Jayne, Rep. Callahan, and Rep. Musgrove
voting no. Rep. Sesso, Rep. Clark, Rep. Morgan, and
Rep. Hawk voted by proxy.

00:14:40 Rep. Glaser
00:14:45 Rep. Kasten

00:15:28 **Motion/Vote:** Rep. Kasten moved **HB 6 DO PASS AS**
AMENDED. Motion carried 19-0 by roll call vote. Rep.
Sesso, Rep. Clark, Rep. Morgan, and Rep. Hawk voted by
proxy.

NOTE: Further Executive Action taken in later meeting.

EXECUTIVE ACTION ON HB 8

00:16:59 **Motion:** Rep. Kasten moved **HB 8 DO PASS.**

00:17:07 **Motion:** Rep. Kasten moved **TO AMEND.**
EXHIBIT (aph62a05)

Discussion:

00:17:43 Rep. Kasten
00:18:49 Rep. Jayne
00:19:02 Rep. Taylor
00:19:11 Rep. Kasten

00:20:05 **Vote:** Motion carried 19-0 by voice vote. Rep. Sesso,
Rep. Morgan, Rep. Clark, and Rep. Hawk voted by proxy.

00:20:26 **Motion:** Rep. Kasten moved **HB 8 DO PASS AS AMENDED.**

00:20:39 **Motion:** Rep. Glaser moved **CONCEPTUAL AMENDMENT on**
CONTINGENT 'VOIDNESS' on HB 8 for HB 805, HB 806,
HB 807, HB 809, HB 819, and HB 820.

Discussion:

00:21:07 Rep. Musgrove
00:21:16 Rep. Glaser
00:21:40 Rep. Sinrud
00:22:45 Rep. Franklin

00:24:29 **Vote:** Motion carried 11-8 by roll call vote, with Rep.
Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep.
McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep.
Musgrove voting no. Rep. Sesso, Rep. Clark, Rep.
Morgan, and Rep. Hawk voted by proxy.

00:24:33 **Motion/Vote:** Rep. Kasten moved **HB 8 DO PASS AS**
AMENDED. Motion carried 19-0 by voice vote. Rep.
Sesso, Rep. Clark, Rep. Morgan, and Rep. Hawk voted by
proxy.

NOTE: Further Executive Action taken at a later meeting.

EXECUTIVE ACTION ON HB 9

00:25:05 **Motion:** Rep. Kasten moved **HB 9 DO PASS.**

Discussion:

00:25:12 Rep. Kasten
00:26:00 Rep. Musgrove
00:26:20 Rep. Sinrud
00:26:28 Rep. Glaser

00:26:32 **Motion/Vote:** Rep. Glaser moved **CONCEPTUAL AMENDMENT for CONTINGENT 'VOIDNESS' on HB 805, HB 806, HB 807, HB 809, HB 818, HB 819, HB 820.** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Sesso, Rep. Clark, Rep. Morgan, and Rep. Hawk voted by proxy.

00:28:36 **Motion:** Rep. Kasten moved **HB 9 DO PASS AS AMENDED.**

Discussion:

00:28:51 Rep. Taylor
00:29:50 Rep. Kasten
00:30:16 Rep. Sinrud
00:30:31 Rep. Kasten
00:30:47 Rep. Hollenbaugh
00:31:08 Rep. Sinrud
00:32:39 Rep. Kasten
00:33:23 Rep. Franklin
00:34:23 Rep. Sinrud
00:34:47 Rep. Hollenbaugh
00:35:05 Arne Fishbaugh, Director, Montana Arts Council

00:36:11 **Vote:** Motion carried 19-0 by voice vote. Rep. Sesso, Rep. Clark, Rep. Morgan, and Rep. Hawk voted by proxy.

NOTE: Further Executive Action taken in later meeting.

EXECUTIVE ACTION ON HB 368

Discussion:

00:37:00 Rep. Musgrove
00:37:37 Rep. Sinrud

00:38:22 **Motion/Vote:** Rep. Musgrove moved to **RECONSIDER HB 368** for the purpose of an amendment. Motion carried 19-0 by roll call vote. Rep. Sesso, Rep. Clark, Rep. Morgan, and Rep. Hawk voted by proxy.

00:40:31 **Motion:** Rep. Musgrove moved **HB 368 DO PASS.**

00:42:29 **Motion/Vote:** Rep. Sinrud moved **TO AMEND HB 368.** Motion carried 19-0 by voice vote, with Rep. Sesso, Rep. Jayne, Rep. Clark, Rep. Morgan, Rep. Hawk voting by proxy.

EXHIBIT (aph62a06)

00:42:54 **Motion/Vote:** Rep. Musgrove moved **HB 368 DO PASS AS AMENDED**. Motion carried 19-0 by voice vote, with Rep. Sesso, Rep. Jayne, Rep. Clark, Rep. Morgan, Rep. Hawk voting by proxy.

00:43:53 Break

01:03:04 Resume

HEARING ON HB 794

Opening Statement by Sponsor:

01:04:19 Rep. John Parker (D), HD 23, opened the hearing on HB 794, Mental health probation pilot project.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:07:49 Rep. Sinrud

01:08:16 Rep. Parker

01:08:55 Rep. Jayne

01:09:26 Rep. Parker

Closing by Sponsor:

01:10:54 Rep. Parker

HEARING ON HB 665

Opening Statement by Sponsor:

01:12:23 Rep. Elsie Arntzen (R), HD 53, opened the hearing on HB 665, License and regulate athletic trainers.

[EXHIBIT \(aph62a07\)](#)

[EXHIBIT \(aph62a08\)](#)

Proponents' Testimony:

01:20:38 Ed Bartlett, American Massage Therapy Association

Opponents' Testimony: None

Informational Testimony:

01:21:15 Marilyn Kelly-Clark, Business Standards Division,
Bureau of Weights and Measures

Questions from Committee Members and Responses:

01:21:48 Rep. Sesso
01:22:02 Rep. Arntzen
01:22:45 Rep. Sesso
01:24:51 Ms. Kelly-Clark
01:25:12 Rep. Sesso
01:27:14 Rep. Arntzen
01:27:20 Rep. Sesso
01:29:15 Rep. Arntzen
01:29:37 Mr. Moe
01:29:58 Rep. Sinrud
01:30:07 Rep. Jayne
01:30:37 Rep. Arntzen
01:32:21 Ms. Kelly-Clark
01:33:22 Rep. Jayne
01:35:22 Rep. Arntzen
01:36:17 Rep. Franklin
01:37:12 Rep. Arntzen
01:38:50 Rep. Sinrud
01:42:44 Rep. Arntzen
01:43:13 Rep. Jayne
01:44:44 Rep. Arntzen
01:46:52 Rep. Franklin
01:47:14 Rep. Arntzen
01:48:45 Rep. Morgan
01:49:02 Rep. Arntzen

Closing by Sponsor:

01:50:36 Rep. Arntzen
02:00:17 Rep. Taylor assumed the chair

HEARING ON HB 835**Opening Statement by Sponsor:**

01:52:07 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB
835, Facilitate environmental permit laws and create an
college internship program.

Proponents' Testimony:

02:00:37 Rep. George Groesbeck, HD 4
02:02:26 Mike Pichette, Northwestern Energy
02:02:37 Rep. Bill McChesney

Opponents' Testimony:

02:03:19 Ann Hedges, Montana Environmental Information Center

Informational Testimony:

02:11:25 Frank Gilmore, Chancellor, Montana Tech, Butte
02:12:03 Doug Abbott, Vice Chancellor of Academic Affairs and
Research, Montana Tech, Butte
02:12:33 Tom Livers, Department of Environmental Quality
02:15:50 Robin Shropshire, Faculty Member, Helena College of
Technology
02:15:59 John Tubbs, Department of Natural Resources

Questions from Committee Members and Responses:

02:17:22 Rep. Hawk
02:24:51 Rep. Stahl
02:25:08 Rep. Sesso
02:25:51 Rep. Jayne
02:29:24 Rep. Stahl
02:29:56 Rep. Jayne
02:32:21 Mr. Livers
02:33:05 Rep. Jayne
02:37:07 Rep. Stahl
02:38:28 Rep. Sesso
02:40:02 Rep. Stahl
02:45:17 Rep. Sesso
02:47:12 Mr. Abbott
02:48:43 Rep. Sesso
02:48:55 Ms. Shropshire
02:50:47 Rep. Franklin
02:51:09 Mr. Abbott
02:51:19 Mr. Gilmore
02:51:52 Rep. Franklin
02:52:09 Mr. Abbott
02:53:33 Rep. Morgan
02:54:20 Mr. Livers
02:56:18 Rep. Musgrove
03:02:00 Mr. Livers

Closing by Sponsor:

03:02:03 Rep. Stahl

HEARING ON HB 95

Opening Statement by Sponsor:

03:03:16 Rep. Alan Olson (R), HD 45, opened the hearing on HB 95, Provide increase in employer contribution to optional retirement program.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:05:04 Rep. Musgrove

03:05:26 Rep. Olson

03:05:33 Rep. Taylor

03:07:29 Rep. Olson

Closing by Sponsor:

03:08:25 Rep. Olson

03:08:47 Break

03:23:45 Rep. Sinrud returned and assumed the chair

HEARING ON HB 836

Opening Statement by Sponsor:

03:23:57 Rep. Llew Jones (R), HD 27, opened the hearing on HB 836, Grants to municipalities and counties for certain infrastructure and equipment.

Proponents' Testimony:

03:28:34 Alec Hanson, League of Cities and Towns

03:33:24 Harold Blattie, Executive Director, Montana Association of Counties (MACo)

03:36:31 J. D. Lynch, Butte-Silver Bow Counties

03:37:25 Jani McCall, City of Billings

03:39:18 Larry Bondrud, Mayor of Shelby; member, League of
Cities and Towns
03:40:03 Rep. Dave Kasten

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:41:52 Rep. Jayne
03:42:02 Rep. Jones
03:43:04 Rep. Sesso
03:43:38 Rep. Jones
03:44:14 Rep. Morgan
03:44:47 Rep. Jones

Closing by Sponsor:

03:45:23 Rep. Jones
03:47:40 Vice Chairman Taylor assumed the chair

HEARING ON HB 125

Opening Statement by Sponsor:

03:47:50 Rep. Dave Kasten (R), HD 30, opened the hearing on HB
125, Repay loan for startup costs of the defined
contribution retirement plan.

Proponents' Testimony:

03:49:14 Scott Miller, Montana Public Employee Retirement System
[EXHIBIT \(aph62a09\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:51:49 Rep. Sinrud
03:52:00 Mr. Miller

Closing by Sponsor:

03:53:14 Rep. Kasten

HEARING ON HB 837

Opening Statement by Sponsor:

03:54:02 Rep. Bill McChesney (D), HD 40, opened the hearing on HB 837, Enhance warm-water fish in Yellowstone basin/modify or remove diversion dams.

Proponents' Testimony:

03:57:54 Willis Yarberry, Nature Conservancy

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:59:01 Rep. Kasten
04:01:22 Rep. McChesney
04:01:39 Rep. Franklin
04:01:54 Rep. McChesney
04:03:07 Rep. Witte
04:03:46 Rep. McChesney
04:05:40 Mr. Yarberry
04:06:25 Rep. Witte
04:08:34 Chris Hunter, Administrator, Fisheries Division, Fish, Wildlife and Parks Department
04:09:11 Rep. Sinrud
04:10:47 Mr. Yarberry
04:11:19 Rep. Kasten
04:11:26 Mr. Yarberry

Closing by Sponsor:

04:11:54 Rep. McChesney

Additional Business:

04:13:49 Amy Carlson, Budget Office; Information Technology Projects

EXHIBIT (aph62a10)

Additional Exhibit:

Pertaining to HB 566, Hearing 3/19/07

EXHIBIT (aph62a11)

ADJOURNMENT

Adjournment: 11:25 A.M.

REP. JOHN SINRUD, Chairman

LINDA KEIM, Secretary

JS/lk

Additional Exhibits:

EXHIBIT ([aph62aad.pdf](#))