

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON APPROPRIATIONS

Call to Order: By **CHAIRMAN TOM ZOOK**, on March 5, 1999 at 7:00
A.M., in Room 312 - 2 Capitol.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Joe Quilici, Vice Chairman (D)
Rep. Steve Vick, Vice Chairman (R)
Rep. Beverly Barnhart (D)
Rep. Ernest Bergsagel (R)
Rep. Peggy Bergsagel (R)
Rep. Rosalie (Rosie) Buzzas (D)
Rep. John Cobb (R)
Rep. Stan Fisher (R)
Rep. Dick Haines (R)
Rep. Royal Johnson (R)
Rep. Betty Lou Kasten (R)
Rep. Matt McCann (D)
Rep. Red Menahan (D)
Rep. Ray Peck (D)
Rep. Lila Taylor (R)
Rep. Joe Tropila (D)
Rep. John Witt (R)

Members Excused: None.

Members Absent: None.

Staff Present: Joanne Gunderson, Committee Secretary
Taryn Purdy, Legislative Fiscal Division
Clayton Schenck, Legislative Fiscal Division

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Minutes were recorded on a Sony BI-85 machine; references are measured in inches rather than minutes.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 2, 2/22/1999
Executive Action: HB 2

COMMENT

This is the fourth and final day of hearing on HB 2. Each of the four has been treated individually in terms of Tape Numbers, Exhibits, Roll Call Votes and Executive Action. Previous meetings were recessed and reconvened the following day.

HEARING ON HB 2, SECTION C CONTINUEDInformational Testimony:

Rep. Witt opened discussion on subsections 87 and 96.

{Tape : 1; Side : A; Approx. Time Counter : 0 - 50}

Questions and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 50 - 78}

Informational Testimony:

Rep. Witt opened discussion on subsection 97.

{Tape : 1; Side : A; Approx. Time Counter : 78 - 114}

Questions and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 114 - 279}

Informational Testimony:

Rep. Cobb referred to subsection 105.

{Tape : 1; Side : A; Approx. Time Counter : 279 - 286}

Questions and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 286 - 370}

Motion: REP. BARNHART moved that HB 2 BE AMENDED **EXHIBIT** (aph50a01)

Discussion:

{Tape : 1; Side : A; Approx. Time Counter : 370 - Side : B;

Approx. Time Counter : 40}

Vote: Motion carried 13-5 with Haines, Quilici, Taylor, Witt, and Zook voting no.

{Tape : 1; Side : B; Approx. Time Counter : 40 - 59}

Motion/Vote: REP. TAYLOR moved that HB 2 BE AMENDED. Motion carried 17-1 with Haines voting no. **EXHIBIT** (aph50a02)

{Tape : 1; Side : B; Approx. Time Counter : 59 - 78}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a03)

Discussion:

{Tape : 1; Side : B; Approx. Time Counter : 78 - 130}

Vote: Motion carried unanimously.

Informational Testimony:

Rep. Witt opened discussion on subsections 117 through 125.

{Tape : 1; Side : B; Approx. Time Counter : 130 - 144}

Questions and Responses:

{Tape : 1; Side : B; Approx. Time Counter : 144 - 343}

Motion/Vote: REP. COBB moved that HB 2 BE AMENDED. Motion carried 17-1 with Kasten voting no.

{Tape : 1; Side : B; Approx. Time Counter : 343 - 358}

Motion: REP. KASTEN moved that HB 2 BE AMENDED.**EXHIBIT**(aph50a04)

Discussion:

{Tape : 1; Side : B; Approx. Time Counter : 358 - Tape : 2; Side : A; Approx. Time Counter : 77}

Vote: Motion carried 11-7 by Roll Call Vote (#1).

{Tape : 2; Side : A; Approx. Time Counter : 77 - 89}

Motion: REP. KASTEN moved that HB 2 BE AMENDED.**EXHIBIT**(aph50a05)

Discussion:

{Tape : 2; Side : A; Approx. Time Counter : 89 - 200}

Vote: Motion carried 13-5 by Roll Call Vote (#2).

{Tape : 2; Side : A; Approx. Time Counter : 200 - 230}

Questions and Responses:

{Tape : 2; Side : A; Approx. Time Counter : 230 - 346}

Motion/Vote: REP. WITT moved TO CLOSE SECTION C OF HB 2. Motion carried 16-2 with E. Bergsagel and Vick voting no.

{Tape : 2; Side : A; Approx. Time Counter : 346 - 380}

HEARING ON HB 2, SECTION D

Informational Testimony:

Rep. Steve Vick made opening remarks and gave an overview on subsections 1 through 21 of HB 2.

**{Tape : 2; Side : A; Approx. Time Counter : 380 - Side : B;
Approx. Time Counter : 127}**

Questions and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 127 - 225}

Informational Testimony:

Rep. Vick gave an overview of subsections 22 through 24.

{Tape : 2; Side : B; Approx. Time Counter : 225 - 263}

Questions and Responses:

{Tape : 2; Side : B; Approx. Time Counter : 263 - 304}

Informational Testimony:

Rep. Vick gave an overview of subsections 26 and 27.

{Tape : 2; Side : B; Approx. Time Counter : 304 - 352}

Questions and Responses:

**{Tape : 2; Side : B; Approx. Time Counter : 352 - Tape : 3; Side
: A; Approx. Time Counter : 36} EXHIBIT(aph50a06)**

Motion: REP. VICK moved that **HB 2 BE AMENDED. EXHIBIT(aph50a07)**

Discussion:

{Tape : 3; Side : A; Approx. Time Counter : 36 - 314}

Vote: Motion carried 15-3 by Roll Call Vote (#3).

{Tape : 3; Side : A; Approx. Time Counter : 314 - 333}

Informational Testimony:

Rep. Vick gave an overview of subsections 29 and 31-63.

{Tape : 3; Side : A; Approx. Time Counter : 333 - 455}

Questions and Responses:

**{Tape : 3; Side : A; Approx. Time Counter : 455 - Side : B;
Approx. Time Counter --; Comment: Side B of the tape is blank.}**

Side B of Tape 3 includes questions and responses regarding the Department of Corrections budget. Rick Day, Director of that department, defended the budget requests. Rep. Menahan polled the committee about their will to entertain a motion to return funds to the budget of the Department of Corrections. Rep. E. Bergsagel expressed confidence in the subcommittee's actions. Chairman Zook discussed the operations at Pine Hills regarding the proposed 24-bed expansion and the staff requirements. Rep. Vick gave the subcommittee's rationale for denial of the department's request for 13 FTE's for the expansion project.

Steve Gibson, from Pine Hills, responded with the department's rationale for the request.

Motion: REP. MENAHAN moved that HB 2 BE AMENDED **EXHIBIT** (aph50a08)

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 0 - 54; Comments : The last portion of Tape 3; Side B, (which is blank) contained the beginning of the discussion of this motion.}

Vote: Motion failed 8-8 by Roll Call Vote (#4).

Motion/Vote: REP. VICK moved TO RESTORE THE SUPPLIES BUDGET. Motion carried unanimously.

{Tape : 4; Side : A; Approx. Time Counter : 54 - 85}

Motion: REP. QUILICI moved that HB 2 BE AMENDED **EXHIBIT** (aph50a09)

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 85 - 242}

Vote: Motion failed 5-13 by Roll Call Vote (#5).

{Tape : 4; Side : A; Approx. Time Counter : 85 - 250}

Motion: REP. MENAHAN moved TO MODIFY AMENDMENT (EXHIBIT 8) BY STRIKING THE ITEMS IN THE LAST SENTENCE AND REDUCE THE APPROPRIATIONS BY \$10,000 EACH.

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 250 - 379}

Vote: Motion carried 12-6 by Roll Call Vote (#6).

Discussion:

{Tape : 4; Side : A; Approx. Time Counter : 379 - Side : B; Approx. Time Counter : 104; Comments : Re: RIF of 8 positions by Mike Mahoney, MSP.}

Motion: REP. MENAHAN moved that HB 2 BE AMENDED **EXHIBIT** (aph50a10)

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 104 - 143}

Substitute Motion: REP. VICK made a substitute motion to **CHANGE FUNDING TO STATE SPECIAL REVENUE.**

Discussion:

{Tape : 4; Side : B; Approx. Time Counter : 143 - 195}

Vote: Motion carried 10-8 by Roll Call Vote (#7).

{Tape : 4; Side : B; Approx. Time Counter : 195 - 225}

Vote: Motion on amended amendment (Exhibit 10) **carried unanimously.**

{Tape : 4; Side : B; Approx. Time Counter : 225 - 277}

Informational Testimony:

Rep. Vick gave an overview of subsections 64 through 83 of Section D.

{Tape : 4; Side : B; Approx. Time Counter : 277 - 280}

Questions and Responses:

{Tape : 4; Side : B; Approx. Time Counter : 280 - Tape : 5; Side : A; Approx. Time Counter : 35}

Motion: REP. JOHNSON moved that **HB 2 BE AMENDED****EXHIBIT** (aph50a11)

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 35 - 128}

Vote: Motion failed 7-9 by Roll Call Vote (#8).

{Tape : 5; Side : A; Approx. Time Counter : 128 - 135; Comments : The committee recessed until 3 PM.}

Informational Testimony:

Rep. Vick gave an overview and opened discussion on subsections 86 and 89 of section D of HB 2.

{Tape : 5; Side : A; Approx. Time Counter : 135 - 203}

Motion: REP. MENAHAN moved that **HB 2 BE AMENDED****EXHIBIT** (aph50a12) Item #1 of Exhibit 12 was moved.

Discussion:

{Tape : 5; Side : A; Approx. Time Counter : 203 - Side : B; Approx. Time Counter : 33}

Vote: Motion on item 1 of amendment, Exhibit 12, **failed 7-11 by Roll Call Vote (#9).**

Motion/Vote: REP. MENAHAN moved **ITEM #2 OF EXHIBIT 12.** Motion failed 4-14 by Roll Call Vote (#10).

{Tape : 5; Side : B; Approx. Time Counter : 33 - 131}

Discussion

*{Tape : 5; Side : B; Approx. Time Counter : 131 - 217; Comments :
How to deal with vacancy savings.}*

Motion: REP. VICK moved that HB 2 BE AMENDED. **EXHIBIT**(aph50a13)

Discussion:

{Tape : 5; Side : B; Approx. Time Counter : 217 - 257}

Vote: Motion carried 16-2 with Kasten and Quilici voting no.

Motion/Vote: REP. VICK moved TO CLOSE SECTION D OF HB 2. Motion carried 17-1 with E. Bergsagel voting no.

{Tape : 5; Side : B; Approx. Time Counter : 257 - 275}

HEARING ON HB 2, SECTION E

Informational Testimony:

Rep. Royal Johnson introduced section E and opened the section for discussion beginning with subsection 1.

{Tape : 5; Side : B; Approx. Time Counter : 275 - 355}

Questions and Responses:

{Tape : 5; Side : B; Approx. Time Counter : 355 - Tape : 6; Side : A; Approx. Time Counter : 24}

Informational Testimony:

Rep. Johnson continued discussion on subsections 2 through 9.

Questions and Responses:

{Tape : 6; Side : A; Approx. Time Counter : 24 -~~EXHIBIT~~(aph50a14)}

Motion: REP.P. BERGSAGEL moved that HB 2 BE AMENDED~~EXHIBIT~~(aph50a15)

Discussion:

{Tape : 6; Side : A; Approx. Time Counter : 227 - Side : B; Approx. Time Counter : 38}

Vote: Motion carried 11-7 by Roll Call Vote (#11).

{Tape : 6; Side : B; Approx. Time Counter : 38 - 51}

Motion/Vote: REP. JOHNSON moved that HB 2 BE AMENDED. Motion carried unanimously. **EXHIBIT**(aph50a16)

Motion: REP. JOHNSON moved that HB 2 BE AMENDED~~EXHIBIT~~(aph50a17)

Discussion:

{Tape : 6; Side : B; Approx. Time Counter : 51 - 150}

Vote: Motion carried 13-5 with Barnhart, Menahan, Peck, Quilici, and Tropila voting no.

Motion/Vote: REP. JOHNSON moved that HB 2 BE AMENDED. Motion carried 16-2, E. Bergsagel and Vick voting no. EXHIBIT(aph50a18)
{Tape : 6; Side : B; Approx. Time Counter : 150 - 169}

Motion: REP. PECK moved that HB 2 BE AMENDED. EXHIBIT(aph50a19)

Discussion:

{Tape : 6; Side : B; Approx. Time Counter : 169 - 453}

Vote: Motion failed 7-11 by Roll Call Vote (#12).

{Tape : 7; Side : A; Approx. Time Counter : 0 - 40}

Motion/Vote: REP. COBB moved to REDUCE FUNDING BY \$125,000 IN PREVIOUS AMENDMENT (EXHIBIT 19). Motion failed 8-10 by Roll Call Vote (#13).

{Tape : 7; Side : A; Approx. Time Counter : 40 - 91}

Motion: REP. P. BERGSAGEL moved that HB 2 BE AMENDED. EXHIBIT(aph50a20)

Discussion:

EXHIBIT(aph50a21)

{Tape : 7; Side : A; Approx. Time Counter : 91 - EXHIBIT(aph50a22)}

Vote: Motion failed 6-12 by Roll Call Vote (#14).

{Tape : 7; Side : A; Approx. Time Counter : 420 - 441}

Motion: REP. BUZZAS moved that HB 2 BE AMENDED. EXHIBIT(aph50a23)

Discussion:

{Tape : 7; Side : A; Approx. Time Counter : 441 - Side : B;
Approx. Time Counter : 75}

Vote: Motion failed 7-11 by Roll Call Vote (#15).

{Tape : 7; Side : B; Approx. Time Counter : 75 - 88}

Motion: REP. P. BERGSAGEL moved that HB 2 BE AMENDED. EXHIBIT(aph50a24)

Discussion:

{Tape : 7; Side : B; Approx. Time Counter : 88 - 252; Comments :
Rep. P. Bergsagel withdrew the motion.}

Informational Testimony:

Rep. Johnson opened discussion on subsection 11.

{Tape : 7; Side : B; Approx. Time Counter : 252 - 320}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a25)

Discussion:

{Tape : 7; Side : B; Approx. Time Counter : 320 - 450}

Vote: Motion failed 9-9 by Roll Call Vote (#16).

{Tape : 7; Side : B; Approx. Time Counter : 450 - 478}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a26)

Discussion:

{Tape : 7; Side : B; Approx. Time Counter : 478 - Tape : 8; Side : B; Approx. Time Counter : 18}

Vote: Motion carried 14-4 with E. Bergsagel, P. Bergsagel, Kasten, and Vick voting no.

{Tape : 8; Side : A; Approx. Time Counter : 18 - 30}

Questions and Responses:

{Tape : 8; Side : A; Approx. Time Counter : 30 - 47; Comments : Re: subsection 20.}

Informational Testimony:

Rep. Johnson opened discussion on subsections 21 and 23.

{Tape : 8; Side : A; Approx. Time Counter : 47 - 64}

Motion: REP. HAINES moved that HB 2 BE AMENDED **EXHIBIT** (aph50a27)

Discussion:

EXHIBIT (aph50a28)

{Tape : 8; Side : A; Approx. Time Counter : 64 - 400}

Vote: Motion failed 9-9 by Roll Call Vote (#17).

{Tape : 8; Side : A; Approx. Time Counter : 400 - 412}

Informational Testimony:

Rep. Johnson opened discussion on subsection 29.

{Tape : 8; Side : A; Approx. Time Counter : 412 - 485}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a29)

Discussion:

{Tape : 8; Side : A; Approx. Time Counter : 485 - Side : B; Approx. Time Counter : 256}

Vote: Motion carried 10-8 by Roll Call Vote (#18).

{Tape : 8; Side : B; Approx. Time Counter : 256 - 274}

Motion: REP. BUZZAS moved that HB 2 BE AMENDED. **EXHIBIT** (aph50a30)

Discussion: **EXHIBIT** (aph50a31)

{Tape : 8; Side : B; Approx. Time Counter : 274 - 364}

Vote: Motion failed unanimously.

Informational Testimony:

Rep. Johnson opened discussion on subsection 39.

{Tape : 8; Side : B; Approx. Time Counter : 364 - 400}

Questions and Responses: **EXHIBIT** (aph50a32)

{Tape : 8; Side : B; Approx. Time Counter : 400 - Tape : 9; Side : A; Approx. Time Counter : 404; Comment: Commissioner Croft}

Informational Testimony:

Rep. Johnson opened discussion on subsections 39, 40, 44, 45, and 46.

{Tape : 9; Side : A; Approx. Time Counter : 404 - 450}

Questions and Responses:

{Tape : 9; Side : B; Approx. Time Counter : 0 - 65}

Informational Testimony:

Rep. Johnson opened discussion on subsections 40 and 51.

{Tape : 9; Side : B; Approx. Time Counter : 65 - 152}

Informational Testimony:

Rep. Johnson opened discussion on subsections 55, 57 and 58.

{Tape : 9; Side : B; Approx. Time Counter : 152 - 188}

Questions and Responses:

{Tape : 9; Side : B; Approx. Time Counter : 188 - 336; Comments : subsections 60 and 45 were also discussed during this time.}

Motion/Vote: REP. JOHNSON moved that HB 2 BE AMENDED. Motion carried unanimously. **EXHIBIT** (aph50a33)

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a34)

Discussion:

{Tape : 9; Side : B; Approx. Time Counter : 336 - 480}

Vote: Motion carried unanimously.

{Tape : 10; Side : A; Approx. Time Counter : 2 - 16}

Motion: REP. MENAHAN moved that HB 2 BE AMENDED **EXHIBIT** (aph50a35)

Discussion:

{Tape : 10; Side : A; Approx. Time Counter : 16 - 69}

Vote: Motion carried 13-5 with P. Bergsagel, Buzzas, Fisher, Johnson, and Kasten voting no.

{Tape : 10; Side : A; Approx. Time Counter : 69 - 99}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a36)

Discussion:

{Tape : 10; Side : A; Approx. Time Counter : 99 - 142}

Substitute Motion: REP. FISHER made a substitute motion TO REDUCE THE FUNDING TO \$100,000 PER YEAR.

Discussion:

{Tape : 10; Side : A; Approx. Time Counter : 142 - 253; Comment: Rep. Fisher withdrew the substitute motion.}

Vote: Motion on the original amendment carried 15-3 by Roll Call Vote (#19).

{Tape : 10; Side : A; Approx. Time Counter : 253 - 307}

Motion: REP. JOHNSON moved that HB 2 BE AMENDED **EXHIBIT** (aph50a37)

Discussion:

{Tape : 10; Side : A; Approx. Time Counter : 307 - 365}

Vote: Motion carried 14-4 with E. Bergsagel, P. Bergsagel, Kasten, and Vick voting no.

{Tape : 10; Side : A; Approx. Time Counter : 365 - 376}

Motion: REP. P. BERGSAGEL moved that HB 2 BE AMENDED **EXHIBIT** (aph50a38)

Discussion:

{Tape : 10; Side : A; Approx. Time Counter : 376 - Side : B; Approx. Time Counter : 25}

Vote: Motion failed 7-11 by Roll Call Vote (#20).

{Tape : 10; Side : B; Approx. Time Counter : 25 - 33}

Motion: REP. COBB moved TO STRIKE ITEM 3 OF SUBSECTION E-40.

Discussion:

{Tape : 10; Side : B; Approx. Time Counter : 33 - 165}

Vote: Motion carried 15-3 by Roll Call Vote (#21).
{Tape : 10; Side : B; Approx. Time Counter : 165 - 180}

Motion/Vote: REP. JOHNSON moved TO CLOSE SECTION E OF HOUSE BILL 2. Motion carried 17-1 with E. Bergsagel voting no.
{Tape : 10; Side : B; Approx. Time Counter : 180 - 188}

EXECUTIVE ACTION ON BOILERPLATE LANGUAGE

Motion: REP. VICK moved that HB 2 BE AMENDED. **EXHIBIT**(aph50a39)

Discussion:
{Tape : 10; Side : B; Approx. Time Counter : 188 - 229}

Vote: Motion carried 15-3 with Buzzas, Johnson, and Quilici voting no.
{Tape : 10; Side : B; Approx. Time Counter : 229 - 237}

Motion: REP. KASTEN moved that HB 2 BE AMENDED.**EXHIBIT**(aph50a40)

Discussion:
{Tape : 10; Side : B; Approx. Time Counter : 237 - 280}

Vote: Motion carried 16-2 with Haines voting no.
{Tape : 10; Side : B; Approx. Time Counter : 280 - 286}

Motion: REP. MCCANN moved that HB 2 BE AMENDED.**EXHIBIT**(aph50a41)

Discussion:
{Tape : 10; Side : B; Approx. Time Counter : 286 - 402}

Vote: Motion carried 13-5 with Buzzas, Haines, Menahan, Quilici, and Tropila voting no.
{Tape : 10; Side : B; Approx. Time Counter : 402 - 431}

Vote: Motion that HB 2 BE AMENDED carried unanimous**EXHIBIT**(aph50a42)

Motion/Vote: REP. QUILICI moved TO ADOPT ALL SECTIONS. Motion carried 14-4 with Barnhart, P. Bergsagel, E. Bergsagel, and Vick voting no.
{Tape : 10; Side : B; Approx. Time Counter : 431 - 467}

Vote: Motion TO ACCEPT RATES carried 15-3 with E. Bergsagel, P. Bergsagel, and Vick voting no.

{Tape : 10; Side : B; Approx. Time Counter : 467 - 470}

Motion/Vote: REP. QUILICI moved that **HB 2 DO PASS AS AMENDED.**
Motion carried 13-5 with Barnhart, E. Bergsagel, P. Bergsagel,
Cobb, and Vick voting no.

ADJOURNMENT

Adjournment: 10:00 P.M.

REP. TOM ZOOK, Chairman

JOANNE GUNDERSON, Secretary

TZ/JG

EXHIBIT (aph50aad)