

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON APPROPRIATIONS**

**Call to Order:** by Chairman John Sinrud, on February 21, 2007 at 9:05 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. Edith Clark (R)  
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:** None.

**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 345, HB 392, HB 554, 2/20/2007  
Executive Action: HB 98, HB 259, HB 283, HB 364, HB 378, HB 462, HB 533, HB 547, HB 618, HB 634, HB 727, HB 466, HB 505, HB 516, HB 561, HB 575, HB 608, HB 392.

**HEARING ON HB 392**

**Opening Statement by Sponsor:**

00:01:18 Rep. Bob Bergren (D), HD 33, opened the hearing on HB 392, CAFO cost reimbursement in certain instances.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:02:27 Rep. Kasten  
00:03:10 Rep. Bergren

**Closing by Sponsor:**

00:04:31 Rep. Bergren

**HEARING ON HB 554**

**Opening Statement by Sponsor:**

00:04:49 Rep. Jill Cohenour (D), HD 78, opened the hearing on HB 554, Child passenger safety violation as primary offense.

**[EXHIBIT \(aph39a01\)](#)**

**Proponents' Testimony:**

00:06:44 Steve Yeakel, Montana Advocacy for Children (MAC);  
Montana Advocates for Maternal and Child Health (MAMCH)  
00:08:18 Jane Hamman, American Automobile Association (AAA);  
Montana Traffic Education Association (MTEA)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:09:57 Rep. Morgan  
00:10:13 Rep. Cohenour  
00:12:14 Rep. McChesney  
00:12:58 Rep. Beck  
00:13:27 Rep. Cohenour

**Closing by Sponsor:**

00:14:09 Rep. Cohenour

**HEARING ON HB 345**

**Opening Statement by Sponsor:**

00:14:51 Rep. Michael Lange (R), HD 55, opened the hearing on HB 345, Renters' tax credit.

**Proponents' Testimony:**

00:16:20 Denver Henderson, Associated Students, University of Montana (ASUM)  
00:17:49 Scott Martin, Associated Students, Montana State University Billings (ASMSU-B); Great Falls (ASMSU-GF); Havre (ASMSU-N)  
00:18:50 Jessica LaRoche, Associated Students, Montana State University, Bozeman (ASMSU)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:19:51 Rep. Jayne  
00:20:44 Rep. Lange  
00:21:14 Rep. Wells

**Closing by Sponsor:**

00:22:43 Rep. Lange

**EXECUTIVE ACTION ON HB 98**

00:23:31 **Motion:** Rep. Franklin moved **HB 98 DO PASS.**  
[\*\*EXHIBIT\*\*](#)(aph39a02)  
[\*\*EXHIBIT\*\*](#)(aph39a03)

**Discussion:**

00:23:52 Rep. Franklin  
00:25:21 Rep. Morgan

00:26:06 **Motion:** Rep. Franklin moved **TO AMEND HB 98.**

**Discussion:**

00:26:32 Rep. Jayne  
00:27:00 Mr. Moe  
00:27:44 Rep. Jayne  
00:28:21 Rep. Franklin  
00:29:13 Rep. Beck  
00:30:01 Rep. Franklin  
00:30:07 Rep. Morgan  
00:30:11 Rep. Clark  
00:30:59 Rep. Morgan  
00:31:58 Mr. Moe

00:32:00 **Vote:** Motion passed unanimously by voice vote of those present.

00:32:38 **Motion/Vote:** Rep. Franklin moved **HB 98 DO PASS AS AMENDED**. Motion carried unanimously 19-0 by roll call vote, with Rep. Ripley and Rep. Hiner voting by proxy.

**EXECUTIVE ACTION ON HB 259**

00:34:11 **Motion:** Rep. Sesso moved **HB 259 DO PASS** with provision that no additional funds be allocated to complete the task.

**Discussion:**

00:35:43 Rep. Sinrud  
00:36:06 Rep. Sesso  
00:37:03 Rep. Sinrud  
00:38:16 Rep. Musgrove  
00:38:45 Rep. Sinrud  
00:39:05 Mr. Moe  
00:41:14 Rep. Kasten  
00:41:59 Rep. Sesso  
00:42:23 Rep. Witte  
00:42:29 Rep. Sesso  
00:44:09 Rep. Musgrove  
00:44:57 Rep. Sinrud

00:47:18 **Vote:** Motion carried 17-2 by roll call vote. After the discussion and before the vote, Rep. Sesso decided to remove the provision he had stipulated. Rep. Hawk and Rep. Kasten voted no. Rep. Ripley and Rep. Hiner voted by proxy.

**EXECUTIVE ACTION ON HB 283**

00:47:45 Rep. Glaser moved **HB 283 DO PASS.**

**EXHIBIT** (aph39a04)

**Discussion:**

00:48:10 Rep. Glaser

00:48:38 **Motion:** Rep. Glaser moved **TO AMEND HB 283.**

**Discussion:**

00:48:58 Rep. Morgan

00:49:52 Rep. Musgrove

00:49:59 Rep. Glaser

00:50:33 Rep. Morgan

00:51:29 Rep. Sinrud

00:52:06 Rep. Kasten

00:52:10 Rep. Sesso

00:52:54 Rep. Sinrud

00:54:08 Rep. Jayne

00:54:42 Rep. Franklin

00:56:59 Rep. Glaser

00:57:29 Rep. Witte

00:58:36 **Vote:** Motion carried 14-5 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Hiner, Rep. Hollenbaugh, and Rep. Musgrove voted no. Rep. Hiner voted by proxy.

01:00:07 **Motion/Vote:** Rep. Glaser moved **HB 283 DO PASS AS AMENDED.** Motion carried 17-2 by roll call vote with Rep. Hawk and Rep. Kasten voting no. Rep. Hiner voted by proxy.

**EXECUTIVE ACTION ON HB 364**

01:01:44 **Motion:** Rep. Ripley moved **HB 364 DO PASS.**

01:02:35 **Motion:** Rep. Ripley moved **TO AMEND HB 364.**

**EXHIBIT** (aph39a05)

**Discussion:**

01:02:57 Rep. Ripley

01:04:11 **Vote:** Motion carried 18-1 by roll call vote with Rep. Jayne voting no. Rep. Hiner voted by proxy.

01:04:55 **Motion:** Rep. Ripley moved **HB 364 DO PASS AS AMENDED.**

**Discussion:**

01:06:26 Rep. Morgan

01:07:02 **Vote:** Motion carried 10-9 by roll call vote, with Rep. Wells, Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Hawk, and Rep. Kasten voting no. Rep. Hiner voted by proxy.

**EXECUTIVE ACTION ON HB 378**

01:07:08 **Motion:** Rep. Clark moved **HB 378 DO PASS.**

**Discussion:**

01:09:51 Rep. Clark

01:09:54 Rep. Sinrud

01:10:06 **Vote:** Motion carried unanimously, 19-0 by roll call vote.

**EXECUTIVE ACTION ON HB 462**

**Motion:** Rep. Witte moved **HB 462 DO PASS.**

**EXHIBIT**(aph39a06)

**Motion:** Rep. Witte moved **TO AMEND HB 462.**

**Discussion:**

01:12:55 Rep. Witte

01:13:19 Rep. Franklin

01:15:01 Rep. Sinrud

01:15:35 Rep. Sesso

01:16:31 Rep. Sinrud

01:17:45 Rep. Sesso

01:20:23 Rep. Franklin

01:21:38 Rep. Sinrud

01:21:43 Rep. Witte

01:23:09 Rep. Franklin

01:23:30 Rep. Witte

01:23:41 Rep. Jayne

01:24:14 Rep. Witte

01:25:21 Rep. Franklin

01:26:33 Rep. Sinrud

01:27:58 Rep. Wells

01:29:36 Rep. Franklin

01:29:55 **Vote:** Motion carried 15-4 by roll call vote with Rep. Franklin, Rep. Callahan, Rep. Hiner, and Rep. Hollenbaugh voting no.

01:31:21 **Motion:** Rep. Witte moved **HB 462 DO PASS AS AMENDED.**

01:31:33 **Vote:** Motion carried 18-1 by roll call vote with Rep. Jayne voting no.

**EXECUTIVE ACTION ON HB 466**

01:32:52 **Motion:** Rep. Wells moved **HB 466 DO PASS.**

01:33:15 **Substitute Motion/Vote:** Rep. Morgan made a substitute motion **TO TABLE HB 466.** Motion carried 10-9 by roll call vote, with Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Taylor, Rep. Hawk, Rep. Kasten, and Rep. Sinrud voting no.

**EXECUTIVE ACTION ON HB 505**

01:33:34 **Motion/Vote:** Rep. Wells moved **TO TABLE HB 505.** Motion carried 16-3 by roll call vote, with Rep. Franklin, Rep. Sesso, and Rep. Musgrove voting no.

**EXECUTIVE ACTION ON HB 516**

01:37:14 **Motion:** Rep. Sesso moved **HB 516 DO PASS.**

**Discussion:**

01:37:46 Rep. Sesso

01:38:15 **Substitute Motion/Vote:** Rep. Kasten made a substitute motion **TO TABLE HB 516.** 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.

01:40:29 Break

**EXECUTIVE ACTION ON HB 533**

01:58:00 **Motion:** Rep. Kasten moved **HB 533 DO PASS.**

01:59:16 **Motion:** Rep Kasten moved **TO AMEND HB 533.**

**EXHIBIT**(aph39a07)

**Discussion:**

02:01:12 Rep. Morgan  
02:01:16 Rep. Kasten  
02:01:19 Rep. Sesso  
02:01:55 Rep. Kasten

02:02:00 Rep. Kasten withdrew his motion.

02:02:55 **Motion/Vote:** Rep. Sesso moved a **CONCEPTUAL AMENDMENT** to strike 19 percent and insert 16 percent on Page 2, Line 4, and Page 3, Line 14. Motion carried 18-1 by roll call vote with Rep. Callahan voting no.

02:05:15 **Motion/Vote:** Rep. Kasten moved **HB 533 DO PASS AS AMENDED**. Motion carried 16-3 by roll call vote, with Rep. Franklin, Rep. Callahan, and Rep. Hiner voting no.

**EXECUTIVE ACTION ON HB 547**

02:05:45 **Motion:** Rep. Kasten moved **HB 547 DO PASS**.

02:08:10 **Motion:** Rep. Kasten moved a **CONCEPTUAL AMENDMENT** to strike "six" and insert "three" on Page 2, Line 4.

**Discussion:**

02:08:22 Rep. Morgan  
02:08:49 Rep. Witte  
02:09:24 Rep. Beck  
02:09:53 Rep. McChesney  
02:10:07 Rep. Kasten

02:11:00 **Vote:** Motion carried 10-9 by roll call vote with Rep. Jayne, Rep. Callahan, Rep. Witte, Rep. Beck, Rep. Hiner, Rep. Sesso, Rep. Morgan, Rep. Taylor, and Rep. Sinrud voting no.

02:11:45 **Motion:** Rep. Kasten moved **HB 547 DO PASS AS AMENDED**.

02:11:59 **Substitute Motion/Vote:** Rep. Sesso moved a substitute motion **TO TABLE**. Motion failed 6-13 by roll call vote, with Rep. Franklin, Rep. Callahan, Rep. Hiner, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting aye.

**Discussion:**

02:12:49 Rep. Sesso

02:16:17 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Callahan, Rep. Witte, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no.

**EXECUTIVE ACTION ON HB 561**

02:19:14 **Motion:** Rep. Musgrove moved **HB 561 DO PASS.**

**Discussion:**

02:19:46 Rep. Wells

02:21:07 **Substitute Motion/Vote:** Rep. Wells moved **TO TABLE HB 561.** Motion carried 10-9 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Ripley, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no.

**EXECUTIVE ACTION ON HB 575**

02:22:00 **Motion:** Rep. Franklin moved **HB 575 DO PASS.**

02:23:25 **Substitute Motion:** Rep. Morgan moved **TO TABLE HB 575.**

**Discussion:**

02:23:36 Rep. Franklin

02:24:28 Rep. Sinrud

02:24:33 Rep. Franklin

02:26:29 **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.

**EXECUTIVE ACTION ON HB 608**

02:27:00 **Motion/Vote:** Rep. Wells moved **TO TABLE HB 608.** Motion carried 13-6 by roll call vote, with Rep. Callahan, Rep. Hollenbaugh, Rep. Sesso, Rep. Morgan, Rep. Musgrove, and Rep. Hawk voting no.

**EXECUTIVE ACTION ON HB 618**

02:28:00 **Motion:** Rep. Taylor moved **HB 618 DO PASS.**

02:29:50 **Motion:** Rep. Taylor moved a **CONCEPTUAL AMENDMENT** on HB 618 to take the expenditures from 20M down to 1M.

**Discussion:**

02:31:25 Rep. Witte  
02:31:33 Rep. Sinrud  
02:32:37 Rep. Musgrove  
02:33:06 Mr. Moe

02:34:15 **Vote:** Motion carried 17-2 by roll call vote, with Rep. Franklin and Rep. Witte voting no.

02:35:12 **Motion/Vote:** Rep. Taylor moved **HB 618 DO PASS AS AMENDED.** Motion carried 19-0 by roll call vote.

**EXECUTIVE ACTION ON HB 634**

02:35:45 **Motion:** Rep. Taylor moved **HB 634 DO PASS.**

**Discussion:**

02:37:18 Rep. Morgan  
02:37:42 Rep. Sinrud  
02:36:59 Rep. Morgan

02:41:32 **Motion:** Rep. Morgan moved a **CONCEPTUAL AMENDMENT** to change the cap on the bond from \$325M to \$500M.

**Discussion:**

02:41:49 Rep. Musgrove  
02:42:47 Rep. Sinrud

02:43:38 **Vote:** Motion carried unanimously 19-0 by voice vote.

02:44:03 **Motion:** Rep. Taylor moved **HB 634 AS AMENDED.**

**Discussion:**

02:44:18 Rep. Kasten

02:44:49 **Vote:** Motion carried unanimously 19-0 by voice vote.

**EXECUTIVE ACTION ON HB 727**

02:45:25 **Motion:** Rep. Taylor moved **HB 727 DO PASS.**

**Discussion:**

02:45:39 Rep. Taylor  
02:48:11 Rep. Morgan  
02:49:18 Rep. Callahan  
02:50:05 Rep. Morgan  
02:50:58 Rep. Callahan

02:51:15 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove, and Rep. Kasten voting no. Rep. Musgrove voted by proxy.

**EXECUTIVE ACTION ON HB 392**

02:54:20 **Motion:** Rep. Taylor moved **HB 392 DO PASS.**

**Discussion:**

02:54:46 Rep. Morgan

02:54:59 **Substitute Motion/Vote:** Rep. Kasten moved **TO TABLE HB 392.** Motion failed 9-10 by roll call vote, with Rep. Wells, Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Ripley, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Musgrove voted by proxy.

02:55:30 Rep. Sinrud noted that the original motion is still on the table for a vote.

**Discussion:**

02:57:14 Rep. Witte  
02:57:42 Rep. Morgan  
02:58:23 Rep. Kasten  
03:00:28 Rep. Sesso  
03:01:22 Rep. Sinrud  
03:02:20 Rep. Callahan  
03:02:53 Rep. Kasten

03:03:13 **Motion/Vote:** Rep. Kasten moved **HB 392 DO PASS.** Motion failed 7-12 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, and Rep. Musgrove voting aye. Rep. Musgrove voted by proxy.

03:05:16 **Motion:** Rep. Glaser moved to **REVERSE THE VOTE AND TABLE** the bill, without objection.

Supplemental Exhibits for HB 173:

[EXHIBIT](#) (aph39a08)

[EXHIBIT](#) (aph39a09)

[EXHIBIT](#) (aph39a10)

**ADJOURNMENT**

Adjournment: 12:13 P.M.

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REP. JOHN SINRUD, Chairman

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LINDA KEIM, Secretary

JS/lk

Additional Exhibits:

**EXHIBIT ([aph39aad.pdf](#))**