

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION COMMITTEE ON APPROPRIATIONS

Call to Order: By Chairman John Sinrud, on March 7, 2007 at 2 P.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. 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: Rep. Bill Beck (R)

Members Absent: None.

Staff Present: Linda Keim, Committee Secretary
Jon Moe, Greg DeWitt, Kris Wilkinson, Pat
Gervais, Clayton Schenck, 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 804, 2/27/2007
Executive Action: HB 2, HB 805, HB 808

HEARING ON HB 804**Opening Statement by Sponsor:**

0:00:00 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 804, Biennial funding for certain legislative, executive and judicial agencies.

Section A: General Government and Transportation, Pg. A-1**Informational Testimony:**

0:05:19 Harry Freeborn, Administrative Officer, Office of State Public Defender

0:07:30 Ed Sheehey Jr., Regional Public Defender, Region 2, for Randi Hood, Chief Public Defender

0:08:35 Lois Menzies, Court Administrator, Supreme Court

[EXHIBIT\(aph48b01\)](#)

0:16:31 Susan Byorth Fox, Director, Legislative Services

0:25:16 Dennis Unsworth, Commissioner of Political Practices

0:32:30 Dorothy McCarter, District Judge, Helena

1:56:55 Dan Shea, Helena citizen

[EXHIBIT\(aph48b02\)](#)

Proponents' Testimony:

0:21:34 Mark Simonich, Chief Deputy Secretary of State

Opponents' Testimony:

0:35:53 David Ewer, Budget Director, Governor's Office

0:41:45 Jim Lynch, Director, Department of Transportation

0:58:17 Janet Kelly, Director, Department of Administration

01:05:16 Dan Bucks, Director, Department of Revenue

01:39:41 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

01:52:31 Erik Burke, MEA/MFT

01:54:33 Rep. Galen Hollenbaugh read into the record letters from Sandy Shull, Birds and Beasleys; and Brian Smith, Blackfoot Brewing Company

[EXHIBIT\(aph48b03\)](#)

[EXHIBIT\(aph48b04\)](#)

Questions from Committee Members and Responses:

02:12:54 Rep. Beck

02:14:26 Ms. Menzies

02:17:04 Rep. Beck

02:27:24 Mr. Bucks
02:33:57 Rep. Witte
02:39:13 Rep. Taylor
02:39:24 Rep. Morgan
02:47:33 Mr. Bucks
02:48:56 Rep. Musgrove
02:54:58 Rep. Taylor
02:55:10 Rep. Sinrud
02:55:35 Rep. Musgrove
02:56:32 Rep. Sesso
02:58:56 Rep. Taylor
03:00:40 Rep. Sesso
03:03:02 Ms. Fox
03:04:06 Rep. Sesso
03:09:22 Mr. Freeborn
03:11:51 Rep. Sesso
03:13:00 Ms. Kelly
03:14:48 Rep. Sesso
03:16:34 Mr. Bucks
03:17:40 Rep. Wells
03:18:56 Rep. Taylor
03:19:25 Ms. Gervais
03:20:27 Rep. Wells
03:20:35 Rep. Taylor
03:20:55 Rep. Wells
03:24:30 Mr. Bucks
03:25:20 Rep. McChesney
03:26:53 Rep. Taylor
03:31:02 Rep. Sinrud
03:48:49 Mr. Bucks
03:49:55 Rep. Sinrud
03:52:19 Mr. Freeborn
03:56:53 Rep. Sinrud
04:01:59 Mr. Crichton
04:02:10 Rep. Sinrud
04:10:39 Mr. Sheehey

Closing by Sponsor:

04:11:33 Rep. Taylor
04:14:32 Break
05:22:56 Resume

EXECUTIVE ACTION on HB 2

05:25:18 **Motion:** Rep. Sesso moved to REMOVE HB 2 FROM THE
TABLE.

05:25:33 Rep. Sinrud ruled the motion out of order as Executive Action had not yet begun. Nevertheless, he asked that a roll call vote be taken.

05:25:45 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voted aye. Rep. Beck voted by proxy.

EXECUTIVE ACTION ON HB 805

05:27:37 **Motion:** Rep. Ripley moved **HB 805 DO PASS.**

05:28:05 **Motion:** Rep. Ripley moved **TO AMEND HB 805.**
EXHIBIT(aph48b05)

05:28:49 **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. Beck voted by proxy.

05:30:37 **Motion:** Rep. Ripley moved **TO AMEND.**
EXHIBIT(aph48b06)

05:30:51 **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. Beck voted by proxy.

05:32:59 **Motion:** Rep. Ripley moved **TO AMEND.**
EXHIBIT(aph48b07)

05:33:07 **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. Beck voted by proxy.

05:35:29 **Motion:** Rep. Ripley moved **TO AMEND.**
EXHIBIT(aph48b08)

05:38:19 **Vote:** Motion failed 7-12 by roll call vote, with Rep. Glaser, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:38:31 **Motion:** Rep. Ripley moved **TO AMEND.**
EXHIBIT(aph48b09)

Discussion:

05:39:22 Rep. Taylor
05:39:25 Rep. Ripley
05:40:01 Rep. Wells
05:40:22 Rep. Ripley
05:40:48 Rep. Sinrud
05:41:30 Rep. Ripley

05:42:09 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Glaser, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Taylor, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:43:48 **Motion:** Rep. Ripley moved **TO AMEND.**
EXHIBIT(aph48b10)

05:44:42 **Vote:** Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Clark, Rep. Morgan, Rep. Taylor, Rep. Hawk, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

05:46:48 **Motion:** Rep. Witte moved **TO AMEND.**
EXHIBIT(aph48b11)

05:48:32 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

05:49:59 **Motion:** Rep. Ripley moved **HB 805 DO PASS AS AMENDED.**

05:50:14 Rep. Franklin
EXHIBIT(aph48b12)

05:51:25 Rep. Musgrove
05:51:47 Rep. Sinrud
05:51:59 Rep. Ripley

05:52:26 **Substitute Motion:** Rep. Musgrove moved **TO TABLE HB 805.**

05:52:34 **Vote:** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting aye. Rep. Beck voted by proxy.

Discussion:

05:54:29 Rep. Sinrud

05:54:37 Rep. Callahan
05:58:03 Rep. Sinrud
05:58:20 Rep. McChesney
05:58:53 Rep. Franklin
06:00:34 Rep. Taylor
06:00:49 Rep. Ripley
06:01:08 Rep. Wells
06:02:55 Rep. Ripley

06:04:03 **Vote:** Motion carried 11-8 by roll call vote with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

EXECUTIVE ACTION ON HB 808

06:08:36 **Motion:** Rep. Clark moved **HB 808 DO PASS.**

06:08:46 **Motion:** Rep. Clark moved **TO AMEND.**
EXHIBIT(aph48b13)

06:10:07 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck and Rep. Witte voted by proxy.

06:11:34 **Motion:** Rep. Clark moved **TO AMEND TO ADD LANGUAGE** for a fund switch relating to DP 11106 and DP 11009.
EXHIBIT(aph48b14)

Discussion:

06:13:17 Rep. Wells
06:14:01 Rep. Clark
06:14:09 Ms. Steinbeck
06:15:53 Rep. Sinrud
06:15:58 Rep. Clark
06:17:47 Rep. Sinrud

06:19:51 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

06:19:59 **Motion:** Rep. Clark moved **TO AMEND.**
EXHIBIT(aph48b15)

Discussion:

06:21:13 Rep. Clark

06:21:32 **Vote:** Motion carried 11-8 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Musgrove voting no. Rep. Beck voted by proxy.

06:22:54 **Motion:** Rep. Clark moved **TO AMEND.**

EXHIBIT (aph48b16)

Discussion:

06:23:37 Rep. Wells

06:23:48 Ms. Steinbeck

06:24:29 **Vote:** Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Morgan, Rep. Kasten, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

Discussion:

06:26:27 **Motion:** Rep. Clark moved **HB 808 DO PASS AS AMENDED.**

06:27:01 **Substitute Motion/Vote:** Rep. Jayne moved **TO TABLE HB 808.** Motion failed 8-11 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting aye. Rep. Beck voted by proxy.

06:28:53 **Motion/Vote:** Rep. Taylor moved **TO AMEND** (Exhibit 16). Motion failed 9-10 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Witte, Rep. Beck, Rep. Clark, Rep. Morgan, Rep. Taylor, and Rep. Sinrud voting aye. Rep. Beck voted by proxy.

06:31:05 **Motion:** Rep. Clark moved **HB 808 DO PASS AS AMENDED.**

06:31:15 **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. Beck voted by proxy.

ADJOURNMENT

Adjournment: 9:04 P.M.

REP. JOHN SINRUD, Chairman

LINDA KEIM, Secretary

JS/lk

Additional Exhibits:

EXHIBIT ([aph48bad.pdf](#))