

## MINUTES

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

#### COMMITTEE ON APPROPRIATIONS

**Call to Order:** By Chairman John Sinrud, on March 27, 2007 at 8:09 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 841, 3/26/2007  
Executive Action: HB 817, HB 406, HB 304, HB 365,  
HB 574, HB 580, HB 841, HB 495,  
HB 638, HB 110, HB 539, HB 49

**Miscellaneous Business:**

00:00:01 Rep. Sinrud  
00:01:13 Mr. Moe  
00:03:03 Rep. Sinrud

**HEARING ON HB 841****Opening Statement by Sponsor:**

00:03:21 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 841, Change and consolidate school and primary election dates.

**Proponents' Testimony:** None**Opponents' Testimony:**

00:05:49 Robert Throssell, Montana Association of Clerks and  
Recorders  
00:08:34 Bob Vogel, Montana School Boards' Association

**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:10:58 Rep. Kasten  
00:12:17 Rep. Ankney  
00:12:30 Rep. Witte  
00:14:08 Rep. Ankney  
00:14:24 Rep. Taylor  
00:14:42 Rep. Ankney  
00:15:26 Rep. Glaser  
00:15:49 Rep. Ankney  
00:17:26 Rep. Sinrud  
00:26:16 Mr. Vogel  
00:26:34 Rep. Morgan  
00:29:10 Mr. Vogel  
00:30:29 Rep. Callahan  
00:30:37 Rep. Morgan  
00:30:48 Rep. Vogel  
00:30:55 Rep. Ripley  
00:31:25 Mr. Vogel  
00:32:52 Rep. Sinrud  
00:35:24 Mr. Throssell  
00:36:18 Rep. Sinrud  
00:37:26 Mr. Vogel

00:38:07 Rep. Sinrud  
00:38:19 Mr. Throssell

**Closing by Sponsor:**

00:39:11 Rep. Ankney  
00:41:56 Break

**EXECUTIVE ACTION ON HB 817**

01:18:02 **Motion:** Rep. Hollenbaugh moved **HB 817 DO PASS.**

**Discussion:**

01:18:35 Rep. Sinrud  
01:18:38 Rep. Hollenbaugh  
01:19:14 Rep. Sinrud  
01:19:37 Rep. Franklin  
01:20:21 Rep. Sinrud  
01:22:00 Rep. Taylor  
01:22:26 Rep. Witte

01:22:56 **Substitute Motion/Vote:** Rep. Witte moved **TO TABLE HB 817.** Motion carried 10-9 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Morgan, and Rep. Musgrove voting no. Rep. Ripley, Rep. McChesney, Rep. Sesso, and Rep. Clark voted by proxy.

**EXECUTIVE ACTION ON HB 406**

01:24:09 **Motion/Vote:** Rep. Musgrove moved **TO RECONSIDER HB 406.** Motion carried 15-4 by voice vote. Rep. Hawk, Rep. Kasten, Rep. Glaser, and Rep. Wells voted no. Rep. Clark, Rep. McChesney, Rep. Sesso, and Rep. Hollenbaugh voted by proxy.

01:25:44 **Motion:** Rep. Musgrove moved **HB 406 DO PASS.**

01:26:04 **Motion:** Rep. Musgrove moved **TO AMEND.**

**EXHIBIT** (aph65a01)

**Discussion:**

01:26:11 Rep. Sinrud  
01:27:04 Rep. Musgrove  
01:28:49 Rep. Morgan  
01:29:42 Chuck Hunter, Montana Primary Care Association

01:29:42 **Vote:** Motion carried 17-2 by roll call vote, with Rep. Ripley and Rep. Kasten voting no. Rep. McChesney, Rep. Hollenbaugh, and Rep. Clark voted by proxy.

01:30:45 **Motion:** Rep. Musgrove moved **HB 406 DO PASS AS AMENDED.**

01:32:07 **Motion/Vote:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT.** Motion carried 19-0 by voice vote. Rep. Clark and Rep. McChesney voted by proxy.

01:32:52 **Motion/Vote:** Rep. Musgrove moved **HB 406 DO PASS AS AMENDED.** Motion carried 13-6 by roll call vote, with Rep. Glaser, Rep. Wells, Rep. Ripley, Rep. Hawk, Rep. Kasten, and Rep. Sinrud voting no. Rep. McChesney, Rep. Clark and Rep. Hollenbaugh voted by proxy. Rep. Morgan will carry the bill in the Senate.

#### **EXECUTIVE ACTION ON 304**

01:34:11 **Motion:** Rep. Sesso moved **HB 304 DO PASS.**

01:34:42 **Motion:** Rep. Ripley moved **TO AMEND.**  
**EXHIBIT (aph65a02)**

#### **Discussion:**

01:35:36 Rep. Morgan

01:36:39 **Vote:** Motion carried 19-0 by voice vote. Rep. McChesney, Rep. Clark, and Rep. Hollenbaugh voted by proxy.

01:37:02 **Motion:** Rep. Jayne moved **CONCEPTUAL AMENDMENT** to include state interim tribal committee person as a committee member.

#### **Discussion:**

01:38:11 Rep. Sinrud

01:38:29 Rep. Jayne

01:38:50 Rep. Sinrud

01:39:34 Rep. Musgrove

01:39:39 Rep. Ripley

01:40:26 Rep. Jayne

01:40:33 **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. Franklin, Rep. McChesney, Rep. Hollenbaugh, and Rep. Clark voted by proxy.

01:41:56 **Motion:** Rep. Sesso moved **HB 304 DO PASS AS AMENDED.**

**Discussion:**

01:42:09 Rep. Kasten moved a **CONCEPTUAL AMENDMENT** to change language on Page 2, Line 19 from 'may' to 'must'.

01:43:40 Rep. Jayne

01:43:44 Rep. Callahan

01:44:02 Rep. Kasten **WITHDREW CONCEPTUAL AMENDMENT.**

**Discussion:**

01:44:12 Rep. Witte

01:44:19 Rep. Sesso

01:47:13 Rep. Jayne

01:48:59 Rep. Ripley

01:49:33 Rep. Sesso

01:52:22 **Substitute Motion/Vote:** Rep. Witte moved **TO TABLE HB 304.** Motion failed 7-12, with Rep. Glaser, Rep. Wells, Rep. Jayne, Rep. Witte, Rep. Beck, Rep. Clark, and Rep. Morgan voting aye. Rep. McChesney and Rep. Clark voted by proxy.

**Discussion:**

01:54:06 Rep. Hawk

01:54:32 Rep. Morgan

01:54:48 Rep. Sinrud

01:55:37 Rep. Wells

01:55:59 Rep. Sesso

01:56:10 Rep. Musgrove

01:56:48 Rep. Glaser

01:57:39 Rep. Ripley

01:58:11 Rep. Morgan

01:58:19 Rep. Ripley

01:59:59 **Motion/Vote:** Rep. Sesso moved **HB 304 DO PASS AS AMENDED.** Motion carried 14-5, with Rep. Wells, Rep. Jayne, Rep. Witte, Rep. Beck, and Rep. Morgan voting no. Rep. McChesney and Rep. Clark voted by proxy.

**EXECUTIVE ACTION ON HB 365**

02:00:14 **Motion:** Rep. Hiner moved **HB 365 DO PASS.**

**Discussion:**

02:00:33 Rep. Hiner

02:00:53 **Substitute Motion/Vote:** Rep. Wells moved **TO TABLE HB 365.** Motion carried 10-9 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Morgan, and Rep. Musgrove voting no. Rep. McChesney and Rep. Clark voted by proxy.

**EXECUTIVE ACTION ON HB 574**

02:02:20 **Motion:** Rep. Hiner moved **HB 574 DO PASS.**

02:02:49 **Motion:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT** to reduce the amount to \$50,000.

**Discussion:**

02:03:13 Rep. Hiner

02:03:31 **Vote:** Motion carried 16-3 by voice vote, with Rep. Hollenbaugh, Rep. Musgrove, and Rep. Sesso voting no. Rep. Clark and Rep. McChesney voted by proxy.

02:04:08 **Motion/Vote:** Rep. Hiner moved **HB 574 DO PASS AS AMENDED.** Motion carried 17-2 by roll call vote, with Wells and Rep. Witte voting no. Rep. McChesney and Rep. Clark voted by proxy.

**EXECUTIVE ACTION ON 580**

02:05:35 **Motion:** Rep. Wells moved **HB 580 DO PASS.**

02:05:48 **Motion/Vote:** Rep. Wells moved **CONCEPTUAL AMENDMENT** adding language 'the remaining' as designated. Motion carried 12-7 by voice vote, with Rep. Franklin, Rep. Callahan, Rep. Musgrove, Rep. Hiner, Rep. Sesso, Rep. Hollenbaugh, and Rep. McChesney voting no. Rep. McChesney and Rep. Clark voted by proxy.

02:08:50 **Motion/Vote:** Rep. Morgan moved **TO TABLE HB 580**.  
Motion carried 15-4 by roll call vote, with Rep.  
Wells, Rep. Taylor, Rep. Hawk, and Rep. Kasten voting  
no. Rep. McChesney and Rep. Clark voted by proxy.

**EXECUTIVE ACTION ON 841**

02:10:54 **Motion:** Rep. Morgan moved **HB 841 DO PASS**.

02:11:05 **Motion:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT** to move  
dates from the primary election to coincide with the  
school election in May.

02:11:26 Rep. Morgan

02:12:04 Rep. Franklin

02:13:42 Rep. Glaser

02:14:12 **Vote:** Motion carried 12-7 by roll call vote, with Rep.  
Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep.  
McChesney, Rep. Sesso, and Rep. Musgrove voting no.  
Rep. McChesney and Rep. Clark voted by proxy.

02:15:24 **Motion:** Rep. Morgan moved **HB 841 DO PASS AS AMENDED**.

**Discussion:**

02:15:35 Rep. Sinrud

02:15:57 Mr. Moe

02:16:03 **Motion:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT**.

02:16:25 Rep. Glaser

02:16:56 **Substitute Motion/Vote:** Rep. Glaser moved **CONCEPTUAL  
AMENDMENT** to, if necessary, change date for clerks and  
recorders to 45 days prior to the election. 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. McChesney and Rep. Clark voted by proxy.

02:19:00 **Motion:** Rep Morgan moved **HB 841 DO PASS AS AMENDED**.  
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. Clark voted by proxy.

**EXECUTIVE ACTION ON HB 495**

02:20:37 **Motion:** Rep. Sesso moved **HB 495 DO PASS.**

02:21:02 **Motion:** Rep. Sesso moved **TO AMEND.**  
**EXHIBIT** (aph65a03)

**Discussion:**

02:21:13 Rep. Sesso  
02:25:48 Rep. Jayne  
02:28:58 Rep. Sesso  
02:33:24 Rep. Ripley  
02:33:56 Cathy Duncan, LFD  
02:36:40 Rep. Sinrud  
02:36:45 Rep. Sesso  
02:38:14 Ms. Duncan  
02:38:46 Rep. Sinrud  
02:39:23 Rep. Sesso  
02:39:34 Rep. Callahan  
02:40:06 Rep. Kasten  
02:40:29 Rep. Ripley

02:42:43 **Vote:** Motion carried 18-1 by roll call vote, with Rep. Witte voting no. Rep. Clark and Rep. Taylor voted by proxy.

02:42:50 **Motion:** Rep. Sesso moved **HB 495 DO PASS AS AMENDED.**

02:43:54 **Motion:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT** to use bonding as a means of financing instead of a loan.

**Discussion:**

02:44:41 Rep. Sesso  
02:45:46 Rep. Sinrud  
02:47:16 Rep. Morgan

02:47:19 **Vote:** Motion carried 17-2 by roll call vote, with Rep. Callahan and Rep. Musgrove voting no. Rep. Clark and Rep. Taylor voted by proxy.

02:48:43 **Motion/Vote:** Rep. Sesso moved **HB 495 DO PASS AS AMENDED.** 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. Clark and Rep. Taylor voted by proxy.

**EXECUTIVE ACTION ON HB 638**

02:50:20 **Motion:** Rep. Franklin moved **TO RECONSIDER HB 638.**

**Discussion:**

02:51:56 Rep. Morgan

02:52:24 Rep. Jayne

02:53:36 Rep. Sinrud

02:53:45 Rep. Franklin

02:55:01 **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. Clark and Rep. Taylor voted by proxy.

**EXECUTIVE ACTION ON HB 110**

02:58:04 **Motion:** Rep. Sesso moved **TO RECONSIDER ACTION ON HB 110.**

**Discussion:**

02:59:02 Rep. Sesso

02:59:21 **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. Hiner, Rep. Clark and Rep. Taylor voted by proxy.

**EXECUTIVE ACTION ON HB 539**

03:02:33 **Motion:** Rep. Sesso moved **TO RECONSIDER ACTION ON HB 539.**

**Discussion:**

03:05:51 Rep. Jayne

03:07:19 **Vote:** Motion failed 9-10 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. McChesney, Rep. Hollenbaugh, Rep. Sesso, Rep. Morgan, and Rep. Musgrove voting aye. Rep. Clark and Rep. Taylor voted by proxy.

**EXECUTIVE ACTION ON HB 49**

- 03:08:43 **Motion:** Rep. Sinrud moved **TO RECONSIDER ACTION ON HB 49** for the purpose of an amendment.
- 03:09:35 Rep. Wells
- 03:10:36 Rep. Ripley
- 03:11:28 **Vote:** Motion carried 14-5 by roll call vote, with Rep. Wells, Rep. Jayne, Rep. Beck, Rep. Clark, and Rep. Kasten voting no. Rep. Clark and Rep. Taylor voted by proxy.
- 03:12:56 **Motion:** Rep. Glaser moved **CONCEPTUAL AMENDMENT** to increase the appropriation to \$5,000.
- 03:14:31 Rep. Sinrud
- 03:15:10 **Motion/Vote:** Rep. Glaser amended his motion to increase the amount to \$20,000. Motion carried 18-1 by voice vote, with Rep. Witte voting no. Rep. Clark and Rep. Taylor voted by proxy.
- 03:15:56 **Motion:** Rep. Sinrud moved **CONCEPTUAL AMENDMENT** to strike designated language from bill on Page 2, Line 6.
- 03:16:59 Rep. Franklin
- 03:17:18 **Vote:** Motion carried 12-7 by roll call vote, with Rep. Franklin, Rep. Jayne, Rep. Callahan, Rep. Hiner, Rep. Hollenbaugh, Rep. Sesso, and Rep. Musgrove voting no. Rep. Clark and Rep. Taylor voted by proxy.
- 03:18:56 **Motion/Vote:** Rep. Sinrud moved **HB 49 DO PASS AS AMENDED**. Motion carried 17-2 by roll call vote, with Rep. Jayne and Rep. Kasten voting no. Rep. Clark and Rep. Taylor voted by proxy.

**ADJOURNMENT**

Adjournment: 11:32 A.M.

---

REP. JOHN SINRUD, Chairman

---

LINDA KEIM, Secretary

JS/lk

Additional Exhibits:

**EXHIBIT ([aph65aad.pdf](#))**