

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chairman Keith Bales, on March 10, 2009 at 8:00
A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Keith Bales, Chairman (R)
Sen. Dave Lewis, Vice Chairman (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Mike Cooney (D)
Sen. John Esp (R)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Jim Peterson (R)
Sen. Rick Ripley (R)
Sen. Ryan Zinke (R)

Members Excused:

Sen. Gregory D. Barkus (R)
Sen. John Brueggeman (R)
Sen. Steven Gallus (D)
Sen. Ken (Kim) Hansen (D)
Sen. Trudi Schmidt (D)
Sen. Mitch Tropila (D)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Taryn Purdy, 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: SB 194, 3/5/2009; SB 123,
2/26/2009; SB 263, 3/5/2009;
SB 500, 3/5/2009

Executive Action: SB 263; SB 100

00:00:03 Chairman Bales

HEARING ON HB 194

Opening Statement by Sponsor:

00:01:16 Rep. Scott Mendenhall (R), HD 77, opened the hearing on
HB 194, Statutory appropriation for county payment from
hard rock mining trust account.

00:01:18 Sen. Brueggeman now present

Proponents' Testimony:

00:04:33 Dave Cole, Department of Commerce (COM)

[EXHIBIT\(fcs53a01\)](#)

[EXHIBIT\(fcs53a02\)](#)

[EXHIBIT\(fcs53a03\)](#)

[EXHIBIT\(fcs53a04\)](#)

[EXHIBIT\(fcs53a05\)](#)

[EXHIBIT\(fcs53a06\)](#)

[EXHIBIT\(fcs53a07\)](#)

00:10:01 Harold Blattie, Montana Association of Counties (MACo)

[EXHIBIT\(fcs53a08\)](#)

00:12:12 Susie Mosness, Sweetgrass County Commissioner

00:12:59 Maureen Davy, Stillwater County Commissioner

[EXHIBIT\(fcs53a09\)](#)

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:14:39 Rep. Mendenhall

Sen. Story will carry the bill in the Senate.

HEARING ON HB 123

Opening Statement by Sponsor:

00:15:43 Rep. Llew Jones (R), HD 27, opened the hearing on HB 123, Extend coal trust funded econ dev programs--reduce statutory approps.

[EXHIBIT\(fcs53a10\)](#)

Proponents' Testimony:

00:19:54 Tony Preite, Director, Department of Commerce (COM)

00:23:01 Ron de Yong, Director, Department of Agriculture (AGR)

[EXHIBIT\(fcs53a11\)](#)

[EXHIBIT\(fcs53a12\)](#)

00:27:25 John Youngberg, Montana Farm Bureau and Montana Agricultural Coalition

[EXHIBIT\(fcs53a13\)](#)

00:29:00 Mike Coryell, Executive Director, Miles City Economic Development Council

[EXHIBIT\(fcs53a14\)](#)

00:32:20 Terry Myhre, Montana

[EXHIBIT\(fcs53a15\)](#)

[EXHIBIT\(fcs53a16\)](#)

00:35:48 John Balsam, John Balsam Associates, LLC

[EXHIBIT\(fcs53a17\)](#)

00:39:42 Kevin Jam, Montana Telecommunications Association (MTA)

00:40:27 Paul Tuss, Executive Director, Bearpaw Development Corporation

00:41:07 Gary Amestoy, Richland County Economic Development Corporation

00:41:52 Steve Holland, Montana Manufacturing Extension Center
(MMEC), MSU
00:44:39 Web Brown, Montana Chamber of Commerce
00:44:56 Chad DeLong, Missoula Area Economic Development
Corporation
00:45:44 Ivy English, for Sylvia Moore, Office of Higher
Education
00:46:43 Brett Delby, Great Falls Economic Development
00:48:46 Ronda Wiggers, Great Falls and Helena Chambers of
Commerce

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:49:30 Sen. Ripley
00:49:43 Rep. Jones
00:50:21 Sen. Barkus
00:50:33 Director de Yong, AGR
00:51:16 Sen. Barkus
00:51:26 Director Preite, COM

Closing by Sponsor:

00:51:49 Rep. Jones

00:55:39 Chairman Bales

HEARING ON SB 263

Opening Statement by Sponsor:

00:57:11 Sen. Jim Shockley (R), SD 45, opened the hearing on SB
263, Revise public defender laws.

Proponents' Testimony:

01:06:38 Leo Gallagher, Lewis and Clark County Attorney on
behalf of Montana County Attorney's Association
01:08:53 Jeff Langton, Ravalli County District Judge
01:10:58 Jim Haynes, District Judge, 21st Judicial District

Opponents' Testimony:

None

Informational Testimony:

01:13:57 Randi Hood, Chief Public Defender (OPD)

Questions from Committee Members and Responses:

01:16:36 Sen. Brendan
01:17:33 Judge Langdon
01:18:35 Sen. Hawks
01:19:11 Sen. Shockley
01:19:36 Sen. Hawks
01:19:52 Sen. Shockley
01:20:52 Sen. Hawks
01:21:22 Sen. Shockley
01:21:58 Sen. Laible
01:22:45 Sen. Shockley
01:26:01 Sen. Laible
01:26:17 Sen. Shockley
01:27:11 Sen. Williams
01:27:45 Sen. Shockley
01:28:54 Sen. Williams
01:29:09 Sen. Shockley
01:30:20 Sen. Zinke
01:30:33 Sen. Shockley
01:31:28 Sen. Zinke
01:31:38 Sen. Shockley
01:31:53 Sen. Zinke
01:31:58 Sen. Shockley
01:32:03 Sen. Schmidt
01:32:40 Ms. Hood, OPD
01:33:58 Chairman Bales
01:34:41 Sen. Shockley
01:35:53 Chairman Bales

Closing by Sponsor:

01:35:59 Sen. Shockley
01:39:30 Chairman Bales
01:39:42 Recess
02:00:26 Reconvene
02:00:45 Chairman Bales

Sen. Barkus, Sen. Esp, Sen. Gallus, Sen. Laible, Sen. Peterson,
Sen. Ripley, Sen. Schmidt, Sen. Tropila, Sen. Williams not
present

EXECUTIVE ACTION ON SB 263

02:01:02 **Motion:** Sen. Zinke moved that **SB 263 DO PASS.**

02:01:19 **Motion:** Sen. Zinke moved SB 263 be amended.
EXHIBIT(fcs53a18)

02:01:36 **Vote:** Motion carried 10-0 by voice vote, present and
voting.

02:01:48 Sen. Zinke withdrew his motion do pass SB 263. A new
fiscal note will be requested.

HEARING ON SB 500

Opening Statement by Sponsor:

02:02:32 Sen. Jim Peterson (R), SD 15, opened the hearing on SB
500, Specify the proceeds of riverbed rent.
EXHIBIT(fcs53a19)

Proponents' Testimony:

None

Opponents' Testimony:

02:11:48 Anthony Johnstone, Solicitor, Office of the Attorney
General (OAG)

02:19:38 Candace West, Chief Counsel, Montana Department of
Natural Resources and Conservation (DNRC)

EXHIBIT(fcs53a20)

02:33:55 Rusty Harper, Office of Secretary of State

Informational Testimony:

02:34:47 Dave Van Nice, State Auditor's Office

02:35:33 Director Mary Sexton, DNRC

Questions from Committee Members and Responses:

02:35:52 Chairman Bales

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02:36:05 Sen. Hawks
 02:36:53 Sen. Peterson
 02:42:32 Sen. Hawks
 02:43:19 Mr. Johnstone, OAG
 02:44:24 Sen. Hawks
 02:44:35 Mr. Johnstone
 02:46:09 Sen Hawks
 02:46:21 Mr. Johnstone
 02:46:26 Sen. Brendan
 02:46:51 Mr. Johnstone
 02:46:55 Sen. Brendan
 02:47:22 Mr. Johnstone
 02:48:12 Sen. Brendan
 02:48:24 Mr. Johnstone
 02:48:46 Sen. Laible
 02:49:45 Ms. West, DNRC
 02:54:02 Sen. Laible
 02:54:20 Ms. West
 02:54:26 Sen. Laible
 02:56:44 Ms. West
 02:58:19 Sen. Laible
 02:59:07 Ms. West
 03:00:56 Sen. Laible
 03:01:00 Chairman Bales
 03:01:07 Sen. Ripley
 03:01:15 Ms. West
 03:03:08 Sen. Ripley
 03:03:29 Ms. West
 03:04:04 Sen. Ripley
 03:04:16 Ms. West
 03:05:12 Sen. Ripley
 03:05:20 Ms. West
 03:05:27 Sen. Barkus
 03:05:52 Ms. West
 03:07:00 Sen. Barkus
 03:07:38 Ms. West
 03:07:44 Chairman Bales
 03:07:51 Mr. Johnstone
 03:09:33 Sen. Barkus
 03:09:53 Mr. Johnstone
 03:11:16 Sen. Barkus
 03:11:37 Ms. Sexton
 03:12:50 Sen. Barkus
 03:12:58 Ms. Sexton
 03:13:59 Sen. Barkus
 03:14:07 Sen. Hawks
 03:15:08 Ms. West
 03:15:23 Sen. Barrett
 03:16:42 Ms. Sexton
 03:17:52 Sen. Barrett

03:17:59 Chairman Bales
03:18:29 Ms. West
03:18:35 Chairman Bales
03:19:48 Ms. West
03:20:12 Chairman Bales
03:20:26 Ms. West
03:22:34 Chairman Bales
03:23:11 Ms. West
03:24:25 Chairman Bales
03:24:30 Ms. West
03:24:47 Chairman Bales
03:24:50 Ms. Sexton
03:25:15 Chairman Bales
03:25:47 Ms. Sexton
03:26:16 Chairman Bales
03:27:12 Mr. Johnstone
03:28:07 Chairman Bales
03:28:19 Mr. Johnstone
03:29:47 Chairman Bales
03:30:19 Mr. Johnstone
03:31:34 Chairman Bales
03:32:04 Mr. Johnstone

Closing by Sponsor:

03:32:49 Sen. Peterson
03:36:42 Chairman Bales

Sen. Gallus, Brueggeman, Sen. Williams not present

EXECUTIVE ACTION ON SB 100

03:38:03 **Motion:** Sen. Lewis moved that **SB 100 DO PASS.**

03:38:10 **Motion:** Sen. Lewis moved that **SB 100 BE AMENDED.**
EXHIBIT(fcs53a21)

Discussion:

03:38:36 Chairman Bales
03:38:57 Sen. Lewis withdrew his motion to amend SB 100.
03:40:17 Sen. Cooney
03:40:33 Chairman Bales
03:40:56 Sen. Cooney
03:41:00 Chairman Bales
03:41:02 Sen. Barkus
03:41:25 Sen. Esp, Brueggeman and Williams now present
03:41:39 Chairman Bales

03:42:30 Sen. Barkus
 03:42:43 Chairman Bales
 03:42:46 Sen. Esp
 03:43:16 Sen. Laible
 03:44:35 Sen. Hawks
 03:45:41 Chairman Bales
 03:47:06 Sen. Esp
 03:47:30 Sen. Brendan
 03:48:20 Sen. Zinke
 03:49:15 Chairman Bales
 03:49:16 Sen. Wanzenried
 03:50:21 Chairman Bales
 03:50:32 Sen. Wanzenried
 03:50:49 Pat Gervais, Legislative Fiscal Division (LFD)

03:51:13 **Motion:** Sen. Wanzenried moved that **SB 100 BE AMENDED** with added conceptual language in the amendment for contingency.

EXHIBIT (fcs53a22)

03:51:33 Chairman Bales
 03:51:52 Sen. Wanzenried
 03:51:57 Chairman Bales

Discussion:

03:52:01 Sen. Esp
 03:52:19 Sen. Wanzenried
 03:52:43 Sen. Esp
 03:53:05 Sen. Wanzenried
 03:53:14 Chairman Bales
 03:53:18 Sen. Barrett
 03:54:23 Chairman Bales
 03:54:25 Sen. Hawks
 03:54:52 Chairman Bales
 03:56:00 Sen. Esp
 03:56:15 Sen. Wanzenried
 03:56:24 Sen. Bales

03:56:38 **Vote:** Motion carried 15-4 by roll call vote with Sen. Barkus, Sen. Barrett, Sen. Ripley, and Sen. Zinke voting no. Sen. Gallus voted by proxy.

03:57:51 **Motion/Vote:** Sen. Lewis moved that **SB 100 DO PASS AS AMENDED**. Motion carried 18-1 by voice vote with Sen. Tropila voting no. Sen. Gallus voted by proxy.

ADJOURNMENT

Adjournment: 12:00 P.M.

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT ([fcs53aad.pdf](#))