

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FINANCE AND CLAIMS**

**Call to Order:** Chairman Keith Bales, on March 25, 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. Gregory D. Barkus (R)  
Sen. John Brenden (R)  
Sen. Mike Cooney (D)  
Sen. John Esp (R)  
Sen. Ken (Kim) Hansen (D)  
Sen. Bob Hawks (D)  
Sen. Rick Laible (R)  
Sen. Rick Ripley (R)  
Sen. Trudi Schmidt (D)  
Sen. Mitch Tropila (D)  
Sen. Ryan Zinke (R)

##### **Members Excused:**

Sen. Debby Barrett (R)  
Sen. John Brueggeman (R)  
Sen. Steven Gallus (D)  
Sen. Jim Peterson (R)  
Sen. David E. Wanzienried (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: HB2, 3/19/2009

Executive Action: HB 2

00:00:01 Chairman Bales

**HEARING ON HB 2**

**Opening Statement by Sponsor:**

00:02:17 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 2, General appropriations act.

**Discussion:**

00:14:10 Director David Ewer, Budget Office of the Governor  
00:30:32 Chairman Bales  
00:30:52 Director Ewer  
00:31:20 Chairman Bales

**Questions from Committee Members and Responses:**

00:31:42 Sen. Lewis  
00:32:16 Director Ewer  
00:34:39 Sen. Lewis  
00:34:56 Director Ewer  
00:36:03 Sen. Ripley  
00:36:34 Director Ewer  
00:37:40 Sen. Ripley  
00:37:59 Director Ewer  
00:38:20 Chairman Bales  
00:38:21 Sen. Barkus  
00:39:00 Director Ewer  
00:41:02 Sen. Hawks  
00:41:23 Director Ewer  
00:42:11 Sen. Hawks  
00:42:51 Director Ewer  
00:42:56 Chairman Bales  
00:43:27 Director Ewer  
00:44:24 Sen. Cooney  
00:44:37 Chairman Bales  
00:45:21 Director Ewer  
00:48:59 Director Ewer  
00:49:46 Chairman Bales  
00:49:52 Director Ewer

00:51:16 Chairman Bales  
00:51:46 Director Ewer  
00:53:14 Chairman Bales  
00:54:31 Director Ewer  
00:54:57 Chairman Bales  
00:55:41 Director Ewer  
00:57:15 Chairman Bales  
00:57:36 Director Ewer  
00:58:19 Chairman Bales  
00:59:25 Director Ewer  
00:59:29 Chairman Bales

**Section E - Education:**

**Office of Public Instruction and Board of Public Education**

**01:01:01** Rep. Villa opened on Section E of HB 2.  
**EXHIBIT**(fcs66a01)

01:08:40 Chairman Bales

**Questions from Committee Members and Responses:**

01:08:47 Sen. Schmidt  
01:09:07 Rep. Villa  
01:10:44 Sen. Schmidt  
01:10:49 Rep. Villa  
01:11:45 Sen. Schmidt  
01:12:55 Chairman Bales  
01:13:00 Sen. Williams  
01:13:24 Rep. Villa  
01:13:55 Sen. Williams  
01:14:18 Sen. Lewis  
01:14:42 Rep. Villa  
01:16:55 Sen. Lewis  
01:17:18 Rep. Villa  
01:17:24 Sen. Lewis  
01:17:42 Rep. Villa  
01:18:34 Chairman Bales  
01:19:05 Rep. Villa  
01:19:43 Chairman Bales  
01:20:16 Rep. Villa  
01:21:47 Chairman Bales  
01:21:52 Sen. Barkus  
01:21:59 Rep. Villa  
01:22:38 Sen. Barkus  
01:22:56 Rep. Villa  
01:23:33 Chairman Bales  
01:23:41 Sen. Lewis

01:24:01 Terry Johnson, Principal Fiscal Analyst  
01:24:05 Sen. Lewis  
01:24:30 Mr. Johnson  
01:24:50 Sen. Ripley  
01:25:11 Rep. Villa  
01:25:25 Chairman Bales  
01:25:31 Rep. Villa  
01:26:53 Chairman Bales

**School for the Deaf and Blind**

01:27:01 Rep. Villa

**Montana Arts Council**

01:29:29 Rep. Villa

**Questions from Committee Members and Responses:**

01:30:08 Sen. Cooney  
01:30:21 Rep. Villa  
01:30:47 Sen. Ripley  
01:31:05 Rep. Villa

**Montana Library Commission**

01:31:26 Rep. Villa

**Questions from Committee Members and Responses:**

01:34:02 Sen. Ripley  
01:34:11 Rep. Villa  
01:34:40 Chairman Bales

**Montana Historical Society**

01:34:47 Rep. Villa

01:38:04 Chairman Bales

**Commissioner of Higher Education**

01:38:12 Rep. Villa

**Questions from Committee Members and Responses:**

01:47:58 Sen. Ripley  
01:48:15 Rep. Villa  
01:48:23 Sen. Barkus

01:49:05 Rep. Villa  
01:51:00 Sen. Barkus  
01:51:30 Rep. Villa  
01:52:33 Sen. Barkus  
01:52:40 Rep. Villa  
01:53:09 Sen. Barkus  
01:53:46 Rep. Villa  
01:54:10 Sen. Barkus  
01:54:26 Rep. Villa  
01:54:36 Sen. Williams  
01:55:22 Rep. Villa  
01:57:36 Sen. Williams  
01:58:02 Rep. villa  
01:58:21 Chairman Bales

01:59:32 Recess  
02:17:39 Reconvene

02:19:13 Chairman Bales  
[EXHIBIT\(fcs66a02\)](#)

**Informational Testimony:**

02:19:30 Diane Staffeldt, State Librarian  
02:20:05 Denise Juneau, State Superintendent of Public  
Instruction

[EXHIBIT\(fcs66a03\)](#)

02:27:19 Madalyn Quinlan, Office of Public Instruction (OPI)

[EXHIBIT\(fcs66a04\)](#)

[EXHIBIT\(fcs66a05\)](#)

02:30:41 Lance Melton, Montana School Boards Association (MSBA)

[EXHIBIT\(fcs66a06\)](#)

02:32:20 Steve Meloy, Board of Public Education

02:32:58 Terri Kendrick, Montana Indian Education Association

[EXHIBIT\(fcs66a07\)](#)

02:34:36 Marco Ferro, MEA-MFT

02:35:18 Carleen Layne, Montana Arts Council

02:35:58 Steve Gettel, Montana School for the Deaf and Blind

02:37:48 Nanette Gilbertson, Montana Library Association

02:38:22 Sheila Stearns, Commissioner of Higher Education

[EXHIBIT\(fcs66a08\)](#)

[EXHIBIT\(fcs66a09\)](#)

[EXHIBIT\(fcs66a10\)](#)

02:45:16 Mick Robinson, Montana University System  
 02:47:19 Jane Karas, President, Flathead Community College and  
 representing the other two community colleges

**Questions from Committee Members and Responses:**

02:49:54 Sen. Schmidt  
 02:49:59 Commissioner Stearns  
 02:50:52 Sen. Schmidt  
 02:51:14 Sen. Hawks  
 02:51:52 Mr. Melton, MSBA  
 02:53:47 Sen. Hawks  
 02:54:47 Sen. Hansen  
 02:55:34 Commissioner Stearns  
 02:56:20 Sen. Hansen  
 02:56:38 Sen. Schmidt  
 02:57:21 Ms. Quinlan, OPI  
 02:59:57 Sen. Schmidt  
 03:00:48 Superintendent Juneau  
 03:03:35 Sen. Hawks  
 03:04:54 Superintendent Juneau  
 03:06:51 Sen. Hawks  
 03:07:10 Superintendent Juneau  
 03:07:34 Sen. Hawks  
 03:07:44 Superintendent Juneau  
 03:07:53 Chairman Bales  
 03:08:37 Ms. Quinlan  
 03:09:08 Chairman Bales  
 03:10:07 Ms. Quinlan  
 03:11:13 Chairman Bales  
 03:11:26 Ms. Quinlan  
 03:13:32 Chairman Bales  
 03:13:42 Ms. Quinlan  
 03:14:19 Chairman Bales  
 03:14:30 Ms. Quinlan  
 03:14:35 Chairman Bales  
 03:14:42 Sen. Peterson  
 03:15:14 Ms. Quinlan  
 03:15:20 Chairman Bales  
 03:15:32 Ms. Quinlan  
 03:16:04 Chairman Bales  
 03:16:17 Ms. Quinlan  
 03:16:24 Sen. Laible  
 03:17:55 Chris Wilkinson, Legislative Fiscal Division (LFD)  
 03:18:24 Sen. Laible  
 03:18:39 Ms. Wilkinson, LFD  
 03:18:47 Sen. Ripley  
 03:18:57 Ms. Wilkinson  
 03:20:22 Sen. Ripley  
 03:20:39 Ms. Wilkinson

03:20:47 Sen. Ripley  
03:21:08 Ms. Wilkinson  
03:21:18 Sen. Ripley  
03:21:27 Mr. Wilkinson  
03:22:32 Chairman Bales  
03:23:33 Sen. Barrett  
03:23:53 Ms. Wilkinson  
03:24:13 Sen. Laible  
03:24:35 Ms. Wilkinson  
03:24:41 Taryn Purdy, LFD  
03:24:53 Sen. Laible  
03:24:57 Ms. Purdy  
03:25:01 Sen. Laible  
03:25:40 Ms. Wilkinson  
03:26:13 Sen. Laible  
03:26:47 Chairman Bales  
03:26:56 Sen. Laible  
03:27:00 Sen. Schmidt  
03:27:13 Ms. Purdy, LFD  
03:27:30 Sen. Peterson  
03:27:58 Ms. Wilkinson  
03:28:03 Chairman Bales

Sen. Esp, Sen. Gallus, Sen. Peterson and Sen.  
Wanzenried not present

**EXECUTIVE ACTION ON SECTION E HB 2**

03:28:23 **Motion:** Chairman Bales moved **TO AMEND SECTION E of HB 2.**

**EXHIBIT(fcs66a11)**

**Discussion:**

03:29:47 Ms. Purdy  
03:30:56 Pam Joelher, LFD  
03:34:41 Chairman Bales

03:34:48 **Vote:** Motion carried unanimously by voice vote present and voting.

03:35:32 Recess

03:35:59 Reconvene 5:11 p.m.

Sen. Schmidt, Sen. Brueggeman not present

**Discussion on Section E:**

03:36:00 Chairman Bales  
03:37:12 Sen. Wanzenried  
03:37:25 Chairman Bales  
03:37:42 Sen. Wanzenried  
03:38:04 Ms. Wilkinson

**Section C - Natural Resource and Transportation:**

**Department of Fish, Wildlife and Parks**

03:39:56 Rep. Hollenbaugh opened on Section C of HB 2.

**Discussion:**

03:41:52 Chairman Bales  
03:42:24 Rep. Hollenbaugh  
03:42:35 Sen. Brenden  
03:42:46 Rep. Hollenbaugh  
03:42:57 Chairman Bales  
03:43:02 Rep. Hollenbaugh

**Informational Testimony:**

03:46:06 Director Joe Maurier, Fish, Wildlife and Parks (FWP)

**Questions from Committee Members and Responses:**

03:46:47 Sen. Zinke  
03:47:08 Director Maurier, FWP  
03:48:13 Sen. Barkus  
03:48:38 Director Maurier  
03:49:32 Sen. Barkus  
03:50:00 Director Maurier  
03:50:41 Sen. Barkus  
03:50:45 Director Maurier  
03:51:05 Sen. Ripley  
Sen. Schmidt now present  
03:51:35 Director Maurier  
03:52:25 Sen. Hawks  
03:53:00 Director Maurier  
03:53:43 Sen. Hawks  
03:53:58 Sen. Barrett  
03:54:22 Director Maurier  
03:54:59 Barbara Smith, LFD  
03:55:16 Sen. Barrett  
03:55:20 Ms. Smith  
03:55:30 Chairman Bales

03:55:41 Sen. Gallus  
 03:56:00 Director Maurier  
 03:56:34 Sen. Barkus  
 03:56:41 Director Maurier  
 03:57:22 Sen. Barkus  
 03:57:29 Director Maurier  
 03:59:52 Sen. Barkus  
 04:00:05 Director Maurier  
 04:01:04 Sen. Barkus  
 04:01:56 Director Maurier  
 04:02:24 Sen. Barkus  
 04:02:29 Sen. Esp  
 04:03:01 Director Maurier  
 04:03:14 Sen. Esp  
 04:03:47 Director Maurier  
 04:03:53 Chairman Bales

**Department of Environmental Quality**

04:04:09 Rep. Hollenbaugh

**Informational Testimony:**

04:07:19 Director Richard Opper, Department of Environmental  
 Quality (DEQ)

**Questions from Committee Members and Responses:**

04:14:05 Sen. Hawks  
 04:14:36 Director Opper, DEQ  
 04:16:28 Sen. Laible  
 04:16:53 Director Opper  
 04:17:46 Sen. Laible  
 04:17:51 Director Opper  
 04:18:26 Sen. Laible  
 04:19:40 Director Opper  
 04:20:53 Sen. Laible  
 04:21:13 Director Opper  
 04:22:01 Sen. Laible  
 04:22:06 Sen. Zinke  
 04:22:31 Director Opper  
 04:22:44 Sen. Zinke  
 04:22:53 Director Opper  
 04:23:40 Sen. Zinke  
 04:24:00 Director Opper  
 04:24:26 Sen. Zinke  
 04:24:34 Director Opper  
 04:25:20 Sen. Zinke  
 04:26:17 Director Opper

04:27:37 Sen. Zinke  
 04:27:48 Sen. Brenden  
 04:28:16 Director Oppen  
 04:28:53 Sen. Brenden  
 04:29:10 Director Oppen  
 04:29:19 Sen. Wanzenried  
 04:29:49 Director Oppen  
 04:30:44 Sen. Wanzenried  
 04:30:57 Director Oppen  
 04:31:47 Sen. Wanzenried  
 04:32:14 Director Oppen  
 04:32:39 Chairman Bales  
 04:32:44 Tom Livers, Deputy Director, DEQ  
 04:34:12 Sen. Schmidt  
 04:34:50 Director Oppen  
 04:35:37 Mr. Livers, DEQ  
 04:39:06 Sen. Schmidt  
 04:39:20 Mr. Livers  
 04:39:38 Sen. Ripley  
 04:39:53 Sen. Williams  
 04:40:08 Mr. Oppen  
 04:40:12 Sen. Williams  
 04:40:28 Mr. Oppen  
 04:40:34 Sen. Williams  
 04:40:42 Mr. Oppen  
 04:41:17 Chairman Bales

**Department of Transportation**

04:41:24 Rep. Hollenbaugh

**Informational Testimony:**

04:44:26 Director Jim Lynch, Department of Transportation (DOT)

**Questions from Committee Members and Responses:**

04:47:39 Sen. Brenden  
 04:48:01 Director Lynch, DOT  
 04:48:08 Sen. Zinke  
 04:48:29 Director Lynch  
 04:50:14 Sen. Hansen  
 04:50:37 Director Lynch  
 04:50:58 Sen. Hansen  
 04:51:02 Director Lynch  
 04:51:06 Sen. Lewis  
 04:51:42 Director Lynch  
 04:52:17 Chairman Bales

**Department of Livestock**

04:52:26 Rep. Hollenbaugh

**Informational Testimony:**

04:54:40 Christian Mackay, CEO, Board of Livestock, Department  
of Livestock (DOL)

**Questions from Committee Members and Responses:**

04:57:04 Sen. Zinke  
04:57:08 Mr. Mackay  
04:57:17 Sen. Zinke  
04:58:07 Mr. Mackay  
04:59:05 Sen. Zinke  
04:59:14 Mr. Mackay  
04:59:23 Sen. Zinke  
05:00:52 Sen. Esp  
05:01:24 Mr. Mackay  
05:01:57 Sen. Esp  
05:02:06 Mr. Mackay  
05:02:16 Sen. Esp  
05:02:18 Mr. Mackay  
05:02:31 George Harris, Administrator, Centralized Services  
Division, DOL  
05:03:53 Sen. Esp  
05:04:07 Mr. Harris  
05:04:40 Sen. Esp  
05:04:46 Mr. Harris  
05:04:52 Chairman Bales  
05:04:55 Sen. Barrett  
05:05:21 Mr. Mackay  
05:06:24 Sen. Barrett  
05:06:32 Mr. Mackay  
05:06:45 Sen. Barrett  
05:06:50 Mr. Mackay  
05:07:16 Sen. Barrett  
05:07:35 Mr. Mackay  
05:08:06 Rep. Hollenbaugh  
05:09:00 Sen. barrett  
05:09:24 Mr. Mackay  
05:10:09 Chairman Bales

**Department of Natural Resources**

05:10:18 Rep. Hollenbaugh

**Informational Testimony:**

05:11:34 Director Mary Sexton, Department of Natural Resources  
and Conservation (DNRC)

**Questions from Committee Members and Responses:**

05:13:44 Chairman Bales  
05:14:06 Sen. Zinke  
05:14:20 Director Sexton, DNRC  
05:14:31 Sen. Zinke  
05:14:45 Director Sexton  
05:15:08 Sen. Zinke  
05:15:18 Sen. Tropila  
05:15:35 Chairman Bales

**Department of Agriculture**

05:15:44 Rep. Hollenbaugh

**Informational Testimony:**

05:16:10 Director Ron De Yong, Department of Agriculture (AGR)

**Questions from Committee Members and Responses:**

05:16:40 Sen. Zinke  
05:16:52 Director De Yong, AGR  
05:18:05 Chairman Bales  
05:18:11 Sen. Barkus  
05:18:21 Director De Yong  
05:18:50 Sen. Barkus  
05:19:06 Sen. Barkus  
05:19:19 Chairman Bales  
05:19:45 Rep. Hollenbaugh  
05:19:49 Sen. Bales  
05:20:34 Sen. Schmidt  
05:20:37 Sen. Bales

**ADJOURNMENT**

Recess: 6:55 P.M.

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Prudence Gildroy, Secretary

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Additional Documents:

**EXHIBIT ([fcs66aad.pdf](#))**