

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: Chair Walter McNutt, on March 23, 2011 at 8:00 AM, in Room 102
Capitol

ROLL CALL

Members Present:

Rep. Walter McNutt, Chairman (R)
Rep. Bill Beck, Vice Chairman (R)
Rep. Cynthia Hiner, Vice Chairman (D)
Rep. Duane Ankney (R)
Rep. Randy Brodehl (R)
Rep. Tom Burnett (R)
Rep. Rob Cook (R)
Rep. Mike Cuffe (R)
Rep. Champ Edmunds (R)
Rep. Ron Ehli (R)
Rep. John Esp (R)
Rep. Steve Gibson (R)
Rep. Roy Hollandsworth (R)
Rep. Bill McChesney (D)
Rep. Robert (Bob) Mehlhoff (D)
Rep. Ryan Osmundson (R)
Rep. Don Roberts (R)

Members Excused: Rep. Tony Belcourt (D)
Rep. Galen Hollenbaugh (D)
Rep. Trudi Schmidt (D)
Rep. Jon C. Sesso (D)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
Jon Moe, Legislative Branch
Sandra Sullivan, Committee Secretary

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 628, 3/21/2011; HB 633, 3/21/2011
Executive Action Taken: HB 186, HB 243, HB 377, HB 423, HB 604, HB 610, HB 612, HB 633 and HB 582

HEARING ON HB 628**Opening Statement by Sponsor:**

00:01:10 Rep. Wayne Stahl (R), HD 35, opened the hearing on HB 628, Generally revise laws related to parks and recreational resources.

Proponents' Testimony:

00:05:12 Rep. Schmidt arrived.
00:06:39 Ronda Wiggers, Montana Snowmobile Association
00:09:13 Bob Walker, Our Montana

Opponents' Testimony:

00:12:55 George Golie, Montana Wildlife Federation
00:14:20 Rep. Sesso arrived.
00:16:32 Rep. Belcourt arrived.
00:16:51 Janet Ellis, Montana Audubon

Informational Testimony:

00:20:31 Art Noonan, Deputy Director, Montana Fish, Wildlife, and Parks (FWP)
EXHIBIT(aph65a01)
00:26:57 Dore Schwinden, Director, Department of Commerce (COM)

Questions from Committee Members and Responses:

00:27:52 Rep. Hollandsworth
00:28:45 Rep. Stahl
00:31:55 Mr. Noonan, FWP
00:33:55 Rep. Cuffe
00:34:26 Rep. Stahl
00:35:12 Rep. Cuffe
00:35:33 Rep. Stahl
00:36:18 Rep. Cuffe
00:36:32 Rep. Noonan
00:36:47 Rep. Cuffe
00:36:56 Mr. Noonan
00:37:19 Rep. Mehlhoff
00:38:21 Rep. Noonan
00:39:31 Rep. Mehlhoff
00:40:36 Rep. Stahl
00:42:49 Rep. McChesney
00:43:57 Andy Poole, Deputy Director, COM
00:45:59 Rep. McChesney
00:46:17 Mr. Noonan
00:47:00 Rep. McChesney

00:47:05 Rep. Brodehl

00:47:34 Rep. Stahl

Closing by Sponsor:

00:49:29 Rep. Stahl

HEARING ON HB 633

Opening Statement by Sponsor:

00:52:01 Rep. John Esp (R), HD 61, opened the hearing on HB 633, Revise healthy Montana kids program.

Proponents' Testimony: None

Opponents' Testimony:

00:54:40 Jane Hamman, Montana Council on Maternal and Child Health

00:55:28 Barb Swehla, Montana Nurses Association

00:55:52 Erin McGowan Fincham, Cancer Action Network, American Cancer Society

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:13 Rep. Schmidt

00:57:37 Ms. Fincham

00:57:45 Rep. Schmidt

00:57:56 Ms. Fincham

00:58:10 Rep. Schmidt

00:58:43 Ms. Fincham

00:59:22 Rep. Sesso

01:00:13 Rep. Esp

01:01:13 Rep. Sesso

01:02:05 Rep. Esp

01:03:18 Rep. Sesso

01:04:33 Rep. Esp

01:05:49 Rep. Sesso

01:06:41 Rep. Esp

01:07:02 Rep. Sesso

01:07:46 Rep. Esp

01:08:15 Rep. Sesso

01:09:04 Rep. Esp

01:09:16 Rep. Sesso

01:09:36 Rep. Schmidt

01:10:02 Kris Wilkinson, Legislative Fiscal Division (LFD)

01:10:28 Rep. Schmidt

Closing by Sponsor:

01:10:52 Rep. Esp

01:13:01 Recessed

02:06:47 Resumed with all members except Rep. Hollenbaugh and Rep. Schmidt.

EXECUTIVE ACTION ON HB 186

02:07:09 **Motion/Vote:** Rep. Esp moved that **HB 186 DO PASS**. Motion carried 17-4 by roll call vote with Rep. Burnett, Rep. Edmunds, Rep. Esp and Rep. Osmundson voting no. Rep. Hollenbaugh and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 243

02:09:03 **Motion/Vote:** Rep. Esp moved that **HB 243 DO PASS**. Motion carried 20-1 by voice vote with Rep. Belcourt voting no. Rep. Hollenbaugh and Rep. Schmidt voted by proxy.

EXECUTIVE ACTION ON HB 377

02:09:43 **Motion:** Rep. Esp moved that **HB 377 DO PASS**.

02:10:00 Rep. Hiner

02:10:40 Rep. Esp withdrew motion.

02:10:57 **Motion:** Rep. Esp moved that **HB 377 DO PASS**.

02:11:42 **Motion:** Rep. Hiner moved that **HB 377 BE AMENDED**.
EXHIBIT(aph65a02)

Discussion:

02:11:51 Rep. Hiner
02:14:46 Rep. Edmunds
02:15:07 Rep. Schmidt returned.
02:15:23 Rep. Hiner
02:16:00 Rep. Roberts
02:17:21 Rep. Brodehl
02:18:22 Rep. Hiner
02:20:02 Rep. Esp
02:20:29 Rep. Hiner
02:21:27 Rep. Esp
02:21:37 Rep. Hiner
02:21:50 Rep. McChesney
02:22:01 Rep. Hiner
02:22:06 Rep. McChesney
02:22:12 Rep. Hiner
02:22:30 Rep. McChesney
02:22:40 Rep. Hiner
02:22:44 Rep. McChesney
02:22:47 Rep. Hiner
02:22:57 Rep. Schmidt
02:23:28 Rep. Hiner

02:23:56 **Vote:** Motion failed 10-11 by roll call vote with Rep. Beck, Rep. Belcourt, Rep. Cuffe, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Roberts, Rep. Schmidt and Rep. Sesso voting aye. Rep. Hollenbaugh voted by proxy.

Discussion:

02:24:57 Rep. Mehlhoff

02:27:00 Rep. Esp

02:27:31 Rep. Hiner

02:28:08 **Vote:** Motion carried 13-8 by roll call vote with Rep. Belcourt, Rep. Cuffe, Rep. Hiner, Rep. Hollenbaugh, Rep. Mehlhoff, Rep. Roberts, Rep. Schmidt and Rep. Sesso voting no. Rep. Hollenbaugh voted by proxy.

EXECUTIVE ACTION ON HB 423

02:29:19 **Motion/Vote:** Rep. Belcourt moved that **HB 423 DO PASS**. Motion carried 13-8 by roll call vote with Rep. Beck, Rep. Brodehl, Rep. Burnett, Rep. Edmunds, Rep. Esp, Rep. Mehlhoff, Rep. Osmundson and Rep. Roberts voting no. Rep. Hollenbaugh voted by proxy.

EXECUTIVE ACTION ON HB 604

02:31:04 **Motion:** Rep. Cook moved that **HB 604 DO PASS**.

02:31:13 **Motion:** Rep. Cook moved that **HB 604 BE AMENDED**.
[EXHIBIT\(aph65a03\)](#)

Discussion:

02:32:02 Rep. Cook

02:32:17 **Vote:** Motion carried unanimously by voice vote. Rep. Hollenbaugh voted by proxy.

02:32:45 **Motion:** Rep. Gibson moved that **HB 604 BE AMENDED**.
[EXHIBIT\(aph65a04\)](#)

Discussion:

02:33:00 Rep. Gibson

02:33:25 Rep. Cook

02:33:42 Rep. Esp

02:34:13 **Vote:** Motion failed 9-12 by roll call vote with Rep. Ankney, Rep. Belcourt, Rep. Brodehl, Rep. Gibson, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye. Rep. Hollenbaugh voted by proxy.

02:35:26 **Motion:** Rep. Cook moved that **HB 604 BE AMENDED.**
EXHIBIT(aph65a05)

Discussion:

00:35:33 Rep. Cook
02:36:23 Rep. Sesso
02:37:35 Rep. Ankney
02:38:53 Rep. Sesso
02:39:44 Rep. Cook

02:40:21 **Vote:** Motion carried 15-6 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Hollenbaugh voted by proxy.

02:41:11 **Motion:** Rep. Cook moved that **HB 604 DO PASS AS AMENDED.**

Discussion:

02:41:24 Rep. Sesso
02:42:18 Rep. Cook
02:43:21 Rep. Sesso
02:45:29 Rep. Esp

02:46:30 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Hollenbaugh voted by proxy.

EXECUTIVE ACTION ON HB 610

02:47:34 **Motion:** Rep. Cook moved that **HB 610 DO PASS.**

02:48:34 **Motion:** Rep. Brodehl moved that **HB 610 BE AMENDED.**
EXHIBIT(aph65a06)

Discussion:

02:48:45 Rep. Brodehl
02:51:01 Rep. Cook
02:52:04 Rep. Brodehl
02:53:08 Rep. Ankney

02:53:20 **Vote:** Motion failed 10-11 by roll call vote with Rep. Beck, Rep. Belcourt, Rep. Brodehl, Rep. Cuffe, Rep. Edmunds, Rep. Gibson, Rep. Hiner, Rep. Hollenbaugh, Rep. Mehlhoff and Rep. Schmidt voting aye. Rep. Hollenbaugh voted by proxy.

02:54:37 **Motion:** Rep. Cook moved that **HB 610 BE AMENDED.**
EXHIBIT(aph65a07)

Discussion:

02:54:40 Rep. Cook
02:58:52 Rep. Gibson
02:59:02 Rep. Cook
02:59:14 Rep. Sesso
03:00:27 Rep. Cook
03:00:49 Rep. Sesso
03:01:07 Rep. Cook
03:01:19 Rep. Sesso
03:02:22 Rep. Cook
03:03:12 Rep. Sesso
03:03:49 Rep. Cook
03:04:03 Rep. Sesso
03:04:16 Rep. Cook
03:05:28 Rep. Ankney
03:06:22 Rep. Mehlhoff
03:06:57 Rep. Cook
03:07:16 Rep. Mehlhoff
03:07:37 Rep. Cook
03:07:51 Rep. Mehlhoff
03:08:11 Rep. Esp
03:09:03 Rep. Ankney
03:09:31 Rep. Brodehl

03:10:03 **Vote:** Motion carried 13-8 by roll call vote with Rep. Beck, Rep. Belcourt, Rep. Brodehl, Rep. Cuffe, Rep. Hiner, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Hollenbaugh voted by proxy.

03:11:03 **Motion:** Rep. Belcourt moved that **HB 610 BE AMENDED.**
EXHIBIT(aph65a08)

Discussion:

03:11:05 Rep. Belcourt
03:11:48 Rep. Cook
03:13:34 Rep. Belcourt
03:13:53 Rep. Cook
03:14:23 Rep. Ankney
03:15:00 Rep. Sesso left.
03:16:07 Rep. Osmundson
03:16:21 Rep. Cook

03:17:07 **Vote:** Motion failed 6-15 by roll call vote with Rep. Belcourt, Rep. Gibson, Rep. Hiner, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting aye. Rep. Hollenbaugh and Rep. Sesso voted by proxy.

Discussion:

03:18:30 Rep. Hiner
03:21:26 Chairman McNutt

- 03:18:48 **Motion/Vote:** Rep. Cook moved that **HB 610 DO PASS AS AMENDED**. Motion failed 10-11 by roll call vote with Rep. Ankney, Rep. Burnett, Rep. Cook, Rep. Ehli, Rep. Esp, Rep. Hollandsworth, Rep. Hollenbaugh, Rep. McNutt, Rep. Osmundson and Rep. Roberts voting aye. Rep. Hollenbaugh and Rep. Sesso voted by proxy.
- 03:21:00 Meeting recessed.
- 06:51:02 Meeting resumed. All members returned except Rep. Edmunds, and Rep. Gibson.

EXECUTIVE ACTION ON HB 610 Continued

- 06:51:52 **Motion/Vote:** Rep. Esp moved to **RECONSIDER THE MOTION** on **HB 610**. Motion carried 17-4 by roll call vote with Rep. Belcourt, Rep. Cuffe, Rep. Hiner and Rep. Sesso voting no. Rep. Edmunds and Rep. Gibson voted by proxy.
- 06:53:30 Rep. Edmunds returned.
- 06:53:38 **Motion/Vote:** Rep. Esp moved that **HB 610 DO PASS AS AMENDED**. Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Brodehl, Rep. Cuffe, Rep. Hiner, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson voted by proxy.

EXECUTIVE ACTION ON HB 612

- 06:55:24 **Motion:** Rep. Roberts moved that **HB 610 DO PASS**.
- 06:55:31 **Motion:** Rep. Esp moved that **HB 610 BE AMENDED**.
[EXHIBIT\(aph65a09\)](#)
- Discussion:**
- 06:55:38 Rep. Esp
- 06:56:34 Rep. Roberts
- 06:56:51 **Vote:** Motion carried unanimously by voice vote. Rep. Gibson voted by proxy.
- 06:57:14 **Motion:** Rep. Roberts moved that **HB 612 DO PASS AS AMENDED**.
- Discussion:**
- 06:57:20 Rep. Roberts
- 06:58:05 **Vote:** Motion carried 14-7 by roll call vote with Rep. Belcourt, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson voted by proxy.

EXECUTIVE ACTION ON HB 633

06:59:07 **Motion:** Rep. Esp moved that **HB 633 DO PASS.**

Discussion:

06:59:11 Rep. Esp

EXHIBIT(aph65a10)

07:02:40 Rep. Schmidt

07:03:32 **Vote:** Motion carried 13-8 by roll call vote with Rep. Belcourt, Rep. Cook, Rep. Hiner, Rep. Hollenbaugh, Rep. McChesney, Rep. Mehlhoff, Rep. Schmidt and Rep. Sesso voting no. Rep. Gibson voted by proxy.

EXECUTIVE ACTION ON HB 582

07:04:44 **Motion:** Rep. Esp moved that **HB 582 DO PASS.**

Discussion:

07:05:49 Rep. Esp

07:05:29 Rep. Hollenbaugh

07:05:54 Rep. Esp

07:06:30 **Vote:** Motion failed 6-15 by roll call vote with Rep. Brodehl, Rep. Burnett, Rep. Edmunds, Rep. Esp, Rep. McNutt and Rep. Osmundson voting aye. Rep. Gibson voted by proxy.

07:07:31 **Motion/Vote:** Rep. Hiner moved that **HB 582 BE TABLED AND THE VOTE REVERSED** without objection.

07:08:13 Rep. Ankney

07:08:20 Chairman McNutt

07:09:03 Rep. Sesso

07:09:21 Chairman McNutt

ADJOURNMENT

Adjournment: 03:46:00

Sandra Sullivan, Secretary

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Additional Documents:

EXHIBIT([aph65aad.pdf](#))