

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Dave Lewis, on April 7, 2011 at 9:00 A.M., in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Dave Lewis, Chairman (R)
Sen. Rick Ripley, Vice Chairman (R)
Sen. Debby Barrett (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Edward Buttrey (R)
Sen. Bradley Hamlett (D)
Sen. Bob Hawks (D)
Sen. Llew Jones (R)
Sen. Jim Keane (D)
Sen. Alan Olson (R)
Sen. Jon Sonju (R)
Sen. Edward Walker (R)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)
Sen. Ryan Zinke (R)

Members Excused:

Sen. Mary Caferro (D)
Sen. Steven Gallus (D)
Sen. Jason Priest (R)

Members Absent: None

Staff Present: Jaret Coles, Legislative Branch
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: HB 296, 3/31/2011; HB 423, 3/31/2011; HB 477, 3/31/2011;
HB 622, 3/31/2011; SJ 26, 4/4/2011

Executive Action: HB 622; HB 477; HB 423; HB 296; SJ 26; HB 495; HB 612;
HB 633

00:00:58 Chairman Lewis

HEARING ON HB 296

Opening Statement by Sponsor:

00:01:30 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 296, Authorize the construction of the Southwest Montana Veterans' Home in Butte.

Proponents' Testimony:

00:07:24 Bob Pavlovich, Butte Silverbow County, Select Committee Southwest Montana Veterans Nursing Home
00:09:32 J.D. Lynch, Montana State Building and Construction Trades Council, Pacific Northwest Regional Council of Carpenters, Teamsters Local Union #2
00:10:15 Dan Antonietti, Past State Commander, Veterans of Foreign Wars
00:11:50 Susan Cambell Reneau, Butte
00:15:00 John Fish, Marine Corp Veteran
00:15:23 Harold Godtland, Butte
00:16:06 Michael Lawson, Marine Corps League, Vietnam Veteran
00:16:41 Mary Creech, Disabled American Veterans (DAV) Chapter 16, Butte
00:17:03 Marianne Simmons, DAV
00:17:23 Philip A. Flannery, American Legion, Veterans of Foreign Wars (VFW)
00:18:09 Mike Foster, Saint James Health Care, Butte
00:18:43 Bob Gilbert, City of Glendive
00:19:16 Karen Byrnes, Director of Community Development, Butte Silverbow County
00:20:13 Jim Smitham, Executive Director, Butte Economic Development Corporation
00:20:55 Paul Babb, Chief Executive, Butte Silverbow County
00:21:31 Larry Longfellow, Veterans of Foreign Wars
00:21:53 Rep. Duane Ankney, HD 43
00:23:00 Tom Straugh, Beaverhead County

Opponents' Testimony:

None

Informational Testimony:

00:23:40 Kelly Williams, Department of Public Health and Human Services (DPHHS)

Questions from Committee Members and Responses:

00:24:14 Sen. Zinke
00:24:53 Rep. Sesso
00:27:13 Sen. Hamlett
00:27:46 Rep. Ankney
00:28:03 Sen. Hamlett
00:28:33 Rep. Ankney
00:28:41 Sen. Walker
00:29:03 Rep. Sesso

00:30:49 Sen. Walker
00:31:22 Ms. Williams
00:32:38 Sen. Walker
00:32:52 Ms. Williams
00:33:11 Sen. Walker
00:33:33 Sen. Caferro
00:34:33 Rep. Sesso
00:35:39 Sen. Caferro
00:36:07 Rep. Sesso

Closing by Sponsor:

00:36:32 Rep. Sesso

HEARING ON HB 423

Opening Statement by Sponsor:

00:38:56 Rep. Tony Belcourt (D), HD 32, opened the hearing on HB 423, Authorize blackjack tables to fund social services.

Proponents' Testimony:

None

Opponents' Testimony:

00:40:24 Sue Roling, Columbia Falls, representing herself
[EXHIBIT\(fcs78a01\)](#)
00:43:45 Kris Jupka, Docs OK Corral, representing herself
00:45:10 Brad Watson, City Bar, Great Falls, representing himself
[EXHIBIT\(fcs78a02\)](#)
00:46:06 Douglas Palagi, Great Falls, representing himself
00:48:04 Alan Ruby, Kalispell, representing himself
00:51:19 Jim Kizer, Great Falls Rescue Mission, representing himself
00:52:46 Mary Ruby, Kalispell, representing himself
00:53:39 Ellen Simpson, Clancy, representing herself
[EXHIBIT\(fcs78a03\)](#)

Informational Testimony:

00:58:36 Rick Ask, Department of Justice (DOJ)

Questions from Committee Members and Responses:

01:00:35 Sen. Buttrey
01:01:23 Rep. Belcourt
01:02:07 Sen. Buttrey
01:02:27 Rep. Belcourt

01:03:06 Sen. Olson
01:03:24 Mr. Ask, DOJ
01:03:35 Sen. Olson
01:03:44 Mr. Ask
01:04:15 Sen. Wanzenried
01:04:46 Mr. Ask
01:06:39 Sen. Wanzenried
01:06:45 Mr. Ask
01:06:55 Sen. Zinke
01:07:20 Mr. Ask
01:07:40 Sen. Zinke
01:07:43 Mr. Ask
01:08:03 Sen. Walker
01:08:16 Mr. Ask
01:08:21 Sen. Caferro
01:08:59 Mr. Belcourt
01:09:57 Sen. Ripley
01:10:32 Rep. Belcourt
01:11:26 Sen. Ripley
01:11:38 Rep. Belcourt

Closing by Sponsor:

01:11:47 Rep. Belcourt

HEARING ON HB 477

Opening Statement by Sponsor:

01:13:18 Rep. Roy Hollandsworth (R), HD 28, opened the hearing on HB 477, Revise lodging facility use tax allocation to Montana historical society.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

01:15:07 Mike Cooney, Interim Director, Montana Historical Society (MHS)
01:15:35 Marty Tuttle, Chief Legal Officer, Department of Commerce (COM)

Questions from Committee Members and Responses:

01:15:53 Sen. Hawks
01:16:25 Mr. Cooney, MHS

Closing by Sponsor:

01:18:03 Rep. Hollandsworth

HEARING ON HB 622

Opening Statement by Sponsor:

01:18:49 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 622, Revising funding for livestock mitigation and control of predatory animals.

Proponents' Testimony:

01:20:50 Jim Brown, Montana Wool Growers Association (MWGA)
01:25:44 Red Lovec, Sidney
01:26:37 Bob Gilbert, Walleyes Unlimited
01:27:28 George Golie, Montana Wildlife Federation (MWF)

Opponents' Testimony:

None

Informational Testimony:

01:28:11 Christian Mackay, Chief Executive Officer, Department of Livestock (DOL)
01:28:32 George Edwards, Livestock Mitigation Mediator, Board of Livestock

Questions from Committee Members and Responses:

01:29:44 Sen. Brown
01:30:15 Mr. Golie, MWF
01:30:46 Director Mackay
01:31:01 Mr. Edwards
01:32:18 Sen. Brown
01:32:48 Director Mackay
01:33:10 Sen. Brown
01:33:26 Director Mackay
01:34:04 Sen. Barrett
01:34:45 Rep. Ankney
01:35:30 Sen. Hamlett
01:36:02 Mr. Brown, MWGA
01:37:44 Sen. Jones

Closing by Sponsor:

01:38:14 Rep. Ankney

HEARING ON SJ 26

Opening Statement by Sponsor:

01:42:05 Sen. Dave Lewis (R), SD 42, opened the hearing on SJ 26, Study resolution for interim monitoring activities recommended by Joint Subcomm.

Proponents' Testimony:

None

Opponents' Testimony:

01:42:59 Dennis Parman, Deputy Superintendent of Public Instruction

Informational Testimony:

None

Questions from Committee Members and Responses:

01:46:33 Sen. Hawks
01:49:29 Sen. Jones
01:52:01 Sen. Brown
01:52:28 Mr. Parman
01:55:01 Sen. Brown
01:55:31 Mr. Parman
01:57:24 Sen. Brown
01:58:51 Mr. Parman
02:01:42 Chairman Lewis
02:02:09 Sen. Hawks
02:04:41 Sen. Jones
02:06:08 Mr. Parman
02:08:47 Sen. Jones

Closing by Sponsor:

02:10:26 Sen. Lewis

EXECUTIVE ACTION ON HB 622

02:11:43 **Motion:** Sen. Hawks moved that **HB 622 BE CONCURRED IN.**

02:12:11 **Motion:** Sen. Hawks moved that **HB 622 BE AMENDED.**
[EXHIBIT\(fcs78a04\)](#)

Discussion:

02:12:44 Sen. Hawks
02:13:46 Sen. Ripley

02:14:51 Sen. Hamlett
02:15:36 Sen. Keane
02:16:11 Sen. Hawks

Sen. Gallus and Sen. Priest not present

02:16:45 **Vote:** Motion carried 15-2 by voice vote with Sen. Hawks and Sen. Williams voting no.

02:17:24 Jaret Coles, Legislative Services Division (LSD)

02:18:28 **Motion/Vote:** Sen. Brown moved that **HB 622 BE AMENDED CONCEPTUALLY** on page 1, line 30 striking "15-1-122" and inserting "15-24-925". Motion carried 17-0 by voice vote of those present and voting.

02:18:52 **Motion/Vote:** Sen. Brown moved that **HB 622 BE CONCURRED IN AS AMENDED**. Motion carried 17-0 by voice vote of those present and voting. Sen. Ripley will carry the bill.

EXECUTIVE ACTION ON HB 477

02:19:38 **Motion:** Sen. De. Barrett moved that **HB 477 BE CONCURRED IN**.

Discussion:

02:19:48 Sen. Hawks
02:20:43 Chairman Lewis
02:21:01 Sen. Barrett

02:21:05 **Vote:** Motion carried 16-1 by voice vote of those present and voting with Sen. Brenden voting no. Sen. Barrett will carry the bill.

EXECUTIVE ACTION ON HB 423

Sen. Gallus not present

02:21:35 **Motion:** Sen. Ripley moved that **HB 423 BE CONCURRED IN**.

02:21:41 **Motion:** Sen. Ripley moved that **HB 423 BE AMENDED CONCEPTUALLY** on page 2, line 12 striking "\$25" and inserting "\$5".

Discussion:

02:22:08 Sen. Ripley
02:22:49 Sen. Hawks
02:23:23 Sen. Ripley

02:23:34 **Vote:** Motion failed 6-13 by roll call vote with Sen. Brown, Sen. Gallus, Sen. Jones, Sen. Lewis, Sen. Ripley and Sen. Walker voting aye. Sen. Gallus voted by proxy.

Sen. Gallus now present

02:24:37 **Motion/Vote:** Sen. Brenden moved that **HB 423 BE TABLED**. Motion carried 13-6 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Jones, Sen. Keane, Sen. Olson and Sen. Priest voting no.

EXECUTIVE ACTION ON HB 296

02:25:52 **Motion:** Sen. Gallus moved that **HB 296 BE CONCURRED IN**.

Discussion:

02:26:23 Jaret Coles
02:27:46 Chairman Lewis
02:27:54 Mr. Coles
02:28:35 Sen. Gallus
02:29:12 Chairman Lewis
02:29:35 Sen. Gallus
02:29:48 Chairman Lewis

02:29:59 **Motion:** Sen. Brown moved that **HB 296 BE AMENDED**.
EXHIBIT(fcs78a05)

Discussion:

02:30:10 Sen. Walker
02:30:35 Chairman Lewis

02:31:24 **Vote:** Motion carried 19-0 by voice vote.

02:31:29 **Motion:** Sen. Gallus moved that **HB 296 BE CONCURRED IN AS AMENDED**.

Sen. Olson not present

Discussion:

02:31:36 Sen. Zinke
02:32:29 Sen. Buttrey
02:32:56 Taryn Purdy, Legislative Fiscal Division (LFD)
02:33:15 Sen. Buttrey
02:33:26 Chairman Lewis

02:34:06 **Vote:** Motion carried 15-4 by roll call vote with Sen. Brenden, Sen. Buttrey, Sen. Priest and Sen. Sonju voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON SJ 26

02:35:50 **Motion:** Sen. Brown moved that **SJ 26 DO PASS.**

Discussion:

02:35:59 Sen. Barrett
02:36:39 Sen. Hawks
02:36:54 Chairman Lewis
02:37:11 Sen. Brown
02:37:53 Chairman Lewis
02:37:58 Sen. Caferro

02:38:32 **Vote:** Motion carried 13-6 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Wanzenried and Sen. Williams voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON HB 495

02:40:07 Ms. Purdy, LFD
02:40:17 Jaret Coles, LSD

02:41:04 **Motion:** Sen. Ripley moved that **HB 495 BE CONCURRED IN.**

02:41:15 **Motion/Vote:** Sen. Jones moved that **HB 495 BE AMENDED.** Motion carried unanimously by voice vote.

EXHIBIT(fcs78a06)

02:41:45 **Motion:** Sen. Ripley moved that **HB 495 BE CONCURRED IN AS AMENDED.**

Discussion:

02:41:52 Sen. Jones
02:43:54 Sen. Zinke
02:44:38 Sen. Hawks

02:44:42 **Vote:** Motion carried 11-8 by roll call vote with Sen. Brenden, Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Priest, Sen. Sonju, Sen. Wanzenried and Sen. Williams voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON HB 612

02:46:39 **Motion:** Sen. Ripley moved that **HB 612 BE CONCURRED IN.**

Discussion:

02:46:49 Sen. Caferro
02:47:09 Chairman Lewis
02:47:25 Sen. Caferro
02:47:47 Chairman Lewis

02:47:53 **Motion:** Sen. Brown moved that **HB 612 BE AMENDED.**
EXHIBIT(fcs78a07)

Discussion:

02:49:00 Sen. Priest

02:49:36 **Vote:** Motion carried 18-0 by voice vote of those present and voting.

02:50:06 **Motion/Vote:** Sen. Ripley moved that **HB 612 BE AMENDED.** Motion carried 18-0 by voice vote of those present and voting.
EXHIBIT(fcs78a08)

02:50:20 **Motion:** Sen. Ripley moved that **HB 612 BE CONCURRED IN AS AMENDED.**

Discussion:

02:50:29 Sen. Caferro

02:51:08 Chairman Lewis

02:52:00 Sen. Caferro

02:52:24 Chairman Lewis

02:52:38 Jaret Lewis, Legislative Services Division (LSD)

02:53:01 Sen. Caferro

02:53:22 Mr. Coles, LSD

02:53:29 Sen. Caferro

02:55:13 **Motion/Vote:** Sen. Ripley moved that **HB 612 BE CONCURRED IN AS AMENDED.** Motion carried 12-7 by roll call vote with Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzenried, and Sen. Williams voting no. Sen. Olson voted by proxy. Sen. Lewis will carry the bill.

EXECUTIVE ACTION ON HB 633

02:56:23 **Motion:** Sen. Ripley moved that **HB 633 BE CONCURRED IN.**

Discussion:

02:56:41 Chairman Lewis

02:57:50 Sen. Williams

02:59:20 Sen. Priest

03:00:43 Sen. Wanzenried

03:04:14 Chairman Lewis

03:05:02 Sen. Wanzenried

03:05:17 Chairman Lewis

03:05:27 Sen. Caferro

03:05:39 Sen. Williams

03:06:19 Chairman Lewis

Sen. Olson and Sen. Priest not present.

03:06:26 **Vote:** Motion carried 11-8 by roll call vote with Sen. Barrett, Sen. Caferro, Sen. Gallus, Sen. Hamlett, Sen. Hawks, Sen. Keane, Sen. Wanzonried and Sen. Williams voting no. Sen. Olson and Sen. Priest voted by proxy. Sen. Priest will carry the bill.

Additional Exhibits:

Written testimony of Bill Willing on HB 213

EXHIBIT(fcs78a09)

ADJOURNMENT

Adjournment: 12:11 p.m.

Prudence Gildroy, Secretary

pg

Additional Documents:

EXHIBIT([fcs78aad.pdf](#))