

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Rick Ripley, on April 8, 2013 at 8:00 AM, in Room 317 Capitol

ROLL CALL

Members Present:

Sen. Rick Ripley, Chair (R)
Sen. Edward Walker, Vice Chair (R)
Sen. John Brenden (R)
Sen. Taylor Brown (R)
Sen. Edward Buttrey (R)
Sen. Mary Caferro (D)
Sen. Bradley Hamlett (D)
Sen. Llew Jones (R)
Sen. Jim Keane (D)
Sen. Dave Lewis (R)
Sen. Frederick (Eric) Moore (R)
Sen. Alan Olson (R)
Sen. Matthew M. Rosendale Sr (R)
Sen. Jon C. Sesso (D)
Sen. Mitch Tropila (D)
Sen. David E. Wanzenried (D)
Sen. Roger Webb (R)

Members Excused:

Sen. Jeff Essmann (R)
Sen. Jason Priest (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Prudence Gildroy, Committee Secretary
Julie Johnson, Legislative Branch
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 2, 3/26/2013

Executive Action: HB 2 Amendments to Section C and D

HEARING ON HB 2

Public Comment:

00:13:40 Mark Baker, Plum Creek Timber Company
00:15:43 Linda Gryczan, Grow Montana

EXECUTIVE ACTION ON HB 2 - Section C

00:17:25 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a01)

Discussion:

00:17:40 Sen. Rosendale
00:18:15 Sen. Tropila
00:18:41 Christina Butler, Legislative Fiscal Division (LFD)

00:19:13 **Vote:** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Priest and Sen. Windy Boy were excused.

00:19:29 **Motion:** Sen. Olson moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a02)

Discussion:

00:19:46 Sen. Olson
00:21:04 Sen. Keane
00:21:32 Sen. Olson
00:21:50 Sen. Keane
00:22:05 Sen. Olson
00:22:25 Chairman Ripley
00:22:40 Ms. Butler, LFD
00:23:09 Sen. Wanzenried
00:23:36 Sen. Olson
00:26:51 Sen. Wanzenried
00:27:18 Sen. Olson
00:27:27 Sen. Keane
00:28:25 Sen. Olson
00:28:52 Sen. Keane
00:28:58 Chairman Ripley

00:29:02 **Substitute Motion:** Sen. Keane made a substitute motion that the amendment restrict the appropriation.

Discussion:

00:29:16 Sen. Olson

Absent/Excused: Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Windy Boy

00:29:20 **Vote:** Motion carried 16-4 by roll call vote with Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Windy Boy voted by proxy.

00:30:45 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a03\)](#)

Discussion:

00:30:57 Sen. Brenden
00:31:21 Sen. Wanzenried
00:31:37 Sen. Brenden
00:32:20 Sen. Keane
00:32:34 Sen. Tropila
00:32:51 Sen. Brenden
00:33:07 Sen. Sesso
00:33:12 Sen. Brenden

00:33:20 **Vote:** Motion carried 15-5 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Windy Boy voted by proxy.

00:34:26 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a04\)](#)

Discussion:

00:34:49 Sen. Rosendale
00:36:10 Sen. Sesso
00:36:45 Sen. Rosendale
00:36:57 Ms. Butler
00:37:27 Sen. Tropila
00:37:45 Sen. Keane

00:38:09 **Vote:** Motion carried 15-1 by voice vote with Sen. Brown voting no. Sen. Windy Boy voted by proxy. Sen. Essmann Sen. Jones, and Sen. Priest were excused.

00:38:37 **Motion:** Sen. Keane moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a05\)](#)

Discussion:

00:38:44 Sen. Keane
00:39:04 Chairman Ripley
00:39:09 Sen. Keane
00:39:59 Sen. Brenden

00:40:05 **Vote:** Motion carried 16-0 by voice vote. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Windy Boy were excused.

00:40:23 **Motion:** Sen. Wanzenried moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a06\)](#)

Discussion:

00:40:30 Sen. Wanzenried
00:41:55 Sen. Tropila
00:42:12 Sen. Rosendale
00:42:42 Sen. Keane
00:43:56 Sen. Tropila
00:45:38 Sen. Rosendale
00:44:42 Sen. Wanzenried

Sen. Rosendale left the meeting.

00:46:23 **Vote:** Motion failed 5-15 by roll call vote with Sen. Caferro, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Rosendale and Sen. Windy Boy voted by proxy.

Sen. Rosendale entered the meeting.

00:47:32 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a07\)](#)

Discussion:

00:47:39 Sen. Brenden
00:49:28 Chairman Ripley
00:49:38 Sen. Brenden
00:49:45 Sen. Keane
00:50:47 Sen. Sesso
00:51:05 Sen. Brenden
00:51:33 Ms. Butler
00:51:56 Sen. Sesso
00:52:18 Taryn Purdy, Legislative Fiscal Division, LFD
00:52:31 Sen. Brenden
00:52:55 Sen. Keane
00:53:10 Sen. Lewis
00:53:32 Sen. Brenden
00:53:42 Chairman Ripley
00:54:08 Sen. Brenden

00:54:26 **Vote:** Motion carried 19-1 by roll call vote with Sen. Moore voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Windy Boy voted by proxy.

00:55:25 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a08\)](#)

00:55:27 Sen. Windy Boy entered the meeting.

Discussion:

00:56:17 Sen. Brenden

00:56:36 **Vote:** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest were excused.

00:56:51 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a09)

Discussion:

00:57:03 Sen. Brenden

01:00:37 Sen. Rosendale

01:01:46 Director Jeff Hagener, Montana Department of Fish, Wildlife and Parks (FWP)

01:02:56 Sen. Keane

01:03:33 Rep. Mike Cuffe (R), HD 2

01:04:13 Sen. Windy Boy

01:04:55 Sen. Moore

01:05:58 Sen. Brenden

01:07:47 Sen. Brown

01:08:21 Chairman Ripley

01:08:41 **Vote:** Motion failed 10-10 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Hamlett, Sen. Jones, Sen. Moore, Sen. Priest, Sen. Ripley, Sen. Rosendale, Sen. Walker and Sen. Webb voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

01:09:43 **Motion:** Sen. Keane moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a10)

Discussion:

01:09:45 Sen. Keane

01:10:51 **Vote:** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest were excused.

01:11:05 **Motion:** Sen. T. Brown moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a11)

Discussion:

01:11:34 Sen. Brown

01:13:04 Sen. Windy Boy

01:13:23 Sen. Brown

01:13:57 Sen. Keane

01:14:56 Chairman Ripley

01:15:20 Sen. Brown

01:15:30 **Substitute Motion:** Sen. T. Brown made a substitute motion to segregate #2 of the amendment.

Discussion:

01:15:45 Sen. Keane
01:16:06 Chairman Ripley
01:16:29 Sen. Brown

01:16:36 **Vote:** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Jones and Sen. Priest were excused.

01:16:45 **Motion:** Sen. T. Brown moved #1 of the amendment.

Sen. Sesso left the meeting.

Discussion:

01:16:53 Sen. Brown
01:19:40 Sen. Keane
01:20:09 Sen. Brenden

01:20:23 **Vote:** Motion carried 15-5 by roll call vote with Sen. Buttrey, Sen. Keane, Sen. Rosendale, Sen. Sesso and Sen. Wanzenried voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

01:21:31 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a12\)](#)

Discussion:

01:22:00 Sen. Tropila
01:22:17 Sen. Keane

01:22:53 **Vote:** Motion failed 6-14 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

01:23:45 **Motion:** Sen. Webb moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a13\)](#)

Discussion:

01:23:57 Sen. Webb
01:24:16 Sen. Rosendale
01:25:31 Sen. Keane
01:26:55 Sen. Rosendale
01:27:43 Sen. Tropila
01:28:36 Sen. Rosendale
01:29:22 Sen. Keane

01:29:48 **Vote:** Motion carried 12-8 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Jones, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

Sen. Rosendale left the meeting.

01:30:48 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a14\)](#)

Discussion:

01:31:02 Sen. Brenden

01:32:19 Sen. Keane

01:32:37 Chairman Ripley

01:32:55 **Vote:** Motion failed 9-11 by roll call vote with Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Hamlett, Sen. Jones, Sen. Keane, Sen. Lewis, Sen. Rosendale and Sen. Walker voting aye. Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Rosendale and Sen. Sesso voted by proxy.

Sen. Rosendale entered the meeting.

01:34:07 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a15\)](#)

Discussion:

01:34:08 Sen. Brenden

01:34:33 Sen. Wanzenried

01:35:13 Sen. Brenden

01:36:33 Sen. Wanzenried

01:36:51 **Vote:** Motion carried 12-8 by roll call vote with Sen. Brown, Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

01:38:00 **Motion:** Sen. Webb moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a16\)](#)

Discussion:

01:38:16 Sen. Webb

01:38:26 Sen. Wanzenried

01:38:47 Sen. Webb

01:39:01 Sen. Wanzenried

01:39:10 Sen. Webb

01:39:14 Sen. Olson

- 01:39:42 Sen. Keane
01:40:21 Sen. Rosendale
- 01:40:41 **Vote:** Motion failed 10-10 by roll call vote with Sen. Brenden, Sen. Buttrey, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Ripley, Sen. Rosendale, Sen. Walker and Sen. Webb voting aye. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.
- 01:41:52 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a17)

Discussion:

- 01:42:30 Sen. Rosendale
01:43:42 Sen. Keane
01:44:28 Sen. Windy Boy
- 01:45:13 Without objection, Sen. Rosendale withdrew his motion.
- 01:45:46 Chairman Ripley
- 01:45:58 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
(*Exhibit 17*)

Discussion:

- 01:46:14 Sen. Brown
01:46:40 Sen. Rosendale
01:47:06 Sen. Brown
01:47:34 Sen. Rosendale
01:48:05 Sen. Hamlett
01:48:15 Ms. Butler
01:48:50 Sen. Hamlett
01:49:18 Sen. Wanzenried
01:49:35 Rep. Cuffe
01:50:10 Sen. Wanzenried
01:50:27 Rep. Cuffe
01:51:19 Sen. Wanzenried
01:51:33 Director Ron de Yong, Montana Department of Agriculture (AGR)
01:52:28 Sen. Wanzenried
01:52:56 Director de Yong, AGR
01:53:21 Sen. Tropila
01:53:49 Rep. Cuffe
01:54:25 Sen. Keane
01:55:10 Sen. Rosendale

Absent/Excused: Sen. Brenden, Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso and Sen. Windy Boy

01:55:36 **Vote:** Motion carried 11-9 by roll call vote with Sen. Brown, Sen. Caferro, Sen. Keane, Sen. Ripley, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Brenden, Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso and Sen. Windy Boy voted by proxy.

01:56:47 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a18\)](#)

Discussion:

01:57:30 Sen. Rosendale
 01:57:53 Sen. Keane
 01:58:05 Sen. Rosendale
 01:58:12 Ms. Butler
 01:58:27 Sen. Keane
 01:58:37 Ms. Butler
 01:58:54 Sen. Keane
 01:59:03 Chairman Ripley
 01:59:21 Sen. Keane
 01:59:36 Chairman Ripley
 01:59:40 Sen. Moore
 02:00:04 Sen. Brown
 02:01:20 Sen. Hamlett
 02:01:57 Sen. Keane

Absent/Excused: Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso and Sen. Windy Boy

02:02:24 **Vote:** Motion failed 6-14 by roll call vote with Sen. Essmann, Sen. Olson, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting aye. Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso and Sen. Windy Boy voted by proxy.

02:03:42 **Motion:** Sen. Rosendale moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a19\)](#)

Discussion:

02:04:30 Sen. Rosendale
 02:04:50 Sen. Keane
 02:05:01 Ms. Butler
 02:05:14 Tom Livers, Department of Environmental Quality (DEQ)
 02:05:52 Sen. Keane
 02:06:06 Mr. Livers, DEQ
 02:06:12 Sen. Keane
 02:06:24 Mr. Livers
 02:06:46 Sen. Rosendale
 02:07:36 Ms. Butler
 02:08:45 Sen. Rosendale

Absent/Excused: Sen. Brenden, Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso and Sen. Moore

02:08:56 **Vote:** Motion carried 13-7 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Brenden, Sen. Essmann, Sen. Jones, Sen. Moore, Sen. Priest and Sen. Sesso voted by proxy.

02:09:56 **Motion:** Sen. Webb moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a20)

Discussion:

02:10:07 Sen. Webb
02:10:25 Sen. Wanzenried
02:10:49 Sen. Webb
02:11:02 Sen. Wanzenried
02:11:07 Rep. Cuffe
02:11:40 Ms. Butler
02:12:00 Mr. Livers
02:12:58 Sen. Keane
02:13:27 Mr. Livers
02:15:46 Sen. Keane
02:16:08 Mr. Livers
02:16:33 Chairman Ripley
02:16:36 Sen. Keane
02:16:48 Sen. Rosendale
02:17:36 Sen. Tropila
02:18:06 Sen. Webb
02:18:16 Sen. Tropila
02:18:49 Rep. Cuffe

Absent/Excused: Sen. Essmann, Sen. Jones, Sen. Olson, Sen. Priest, and Sen. Sesso

02:19:36 **Vote:** Motion carried 13-7 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann, Sen. Jones, Sen. Olson, Sen. Priest and Sen. Sesso voted by proxy.

02:20:35 **Motion:** Sen. Buttrey moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a21)

Discussion:

02:20:37 Sen. Buttrey
02:21:13 Sen. Keane
02:21:40 Ms. Butler
02:22:00 Sen. Keane
02:22:17 Rep. Cuffe

02:22:56 Sen. Keane
 02:23:27 Rep. Cuffe
 02:24:17 Sen. Keane
 02:24:37 Sen. Buttrey
 02:24:55 Sen. Brown
 02:25:32 Rep. Cuffe
 02:26:25 Sen. Brown

02:26:31 **Substitute Motion:** Sen. Rosendale made a substitute motion removing the \$12,598 in the amendment.

Discussion:

02:27:28 Sen. Lewis
 02:27:31 Sen. Keane
 02:27:37 Sen. Buttrey
 02:27:55 Sen. Olson
 02:28:12 Chairman Ripley
 02:28:20 Sen. Lewis
 02:28:52 Sen. Keane
 02:29:05 Sen. Lewis
 02:29:14 Sen. Keane
 02:29:24 Sen. Windy Boy
 02:29:43 Sen. Caferro
 02:29:59 Sen. Buttrey
 02:30:04 Sen. Walker
 02:30:51 Sen. Tropila
 02:31:00 Ms. Purdy, LFD

Absent/Excused: Sen. Essmann, Sen. Jones, Sen. Priest, and Sen. Sesso

02:31:06 **Vote:** Motion carried 17-3 by roll call vote with Sen. Lewis, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

02:32:09 **Motion:** Sen. Hamlett moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a22\)](#)

Discussion:

02:32:21 Sen. Hamlett
 02:35:19 Sen. Brown
 02:35:59 Sen. Rosendale
 02:37:05 Sen. Hamlett
 02:38:32 Chairman Ripley

02:38:58 **Vote:** Motion failed 5-15 by roll call vote with Sen. Brown, Sen. Caferro, Sen. Hamlett, Sen. Sesso and Sen. Tropila voting aye. Sen. Essmann, Sen. Jones, Sen. Priest and Sen. Sesso voted by proxy.

Discussion:

02:40:03 Sen. Brenden
02:40:18 Chairman Ripley

02:40:34 Recess
02:55:04 Reconvene

Absent/Excused: Sen. Buttrey, Sen. Essmann, Sen. Jones, Sen. Moore, Sen. Olson, Sen. Priest and Sen. Sesso

02:55:31 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a23)

Discussion:

02:55:47 Sen. Tropila

02:57:25 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Buttrey, Sen. Essmann, Sen. Jones, Sen. Moore, Sen. Olson, Sen. Priest and Sen. Sesso voted by proxy.

Discussion:

02:58:36 Sen. Brenden
02:59:09 Chairman Ripley
03:00:30 Sen. Wanzenried
03:00:38 Chairman Ripley
03:01:15 Sen. Wanzenried
03:01:22 Sen. Olson

03:01:36 **Motion:** Sen. Brenden moved that **HB 2 BE AMENDED.**
EXHIBIT(fcs73a24)

Discussion:

03:01:38 Sen. Brenden
03:02:22 Sen. Keane
03:02:40 Sen. Brenden
03:04:04 Sen. Buttrey
03:04:15 Sen. Brenden
03:04:36 Ms. Butler
03:05:12 Sen. Buttrey
03:05:36 Rep. Cuffe
03:06:24 Sen. Buttrey
03:06:33 Sen. Brenden
03:06:38 Sen. Olson
03:06:49 Sen. Tropila
03:07:13 Rep. Cuffe

03:07:21 Ms. Butler
 03:07:41 Chairman Ripley
 03:07:45 Sen. Brenden
 03:08:07 Sen. Lewis
 03:08:24 Ms. Purdy
 03:08:41 Sen. Brenden
 03:09:19 Chairman Ripley
 03:09:33 Sen. Brenden
 03:09:43 Sen. Keane
 03:10:49 Sen. Hamlett
 03:11:22 Sen. Rosendale
 03:12:03 Sen. Brenden

Absent/Excused: Sen. Essmann, Sen. Jones,, Sen. Olson, Sen. Priest and Sen. Sesso

03:13:11 **Vote:** Motion failed 9-11 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Ripley, Sen. Rosendale, Sen. Walker and Sen. Webb voting aye. Sen. Essmann, Sen. Jones, Sen. Olson, Sen. Priest and Sen. Sesso voted by proxy.

03:14:10 **Motion/Vote:** Sen. Keane moved **TO CLOSE SECTION C**. Motion carried 14-1 by voice vote with Sen. Wanzenried voting no. Sen. Essmann, Sen. Jones, Sen. Olson, Sen. Priest and Sen. Sesso were excused.

HEARING ON HB 2- Section D

Absent/Excused: Sen. Brenden, Sen. Essmann, Sen. Jones, Sen. Priest, Sen. Sesso not present.

03:17:20 Sen. Ripley left the meeting and Vice Chair Walker assumed the Chair.
 03:17:21 Vice Chair Walker

Judicial Branch, Law Enforcement, and Justice:

03:17:57 Rep. Steve Gibson, HD 78, opened on HB 2 Section D.

Judicial Branch:

03:19:36 Rep. Gibson
 03:21:19 Chief Justice Mike McGrath, Montana Supreme Court
 03:36:09 Vice Chair Walker
 03:37:10 Rep. Gibson

Questions from the Committee and Responses:

03:37:31 Sen. Tropila
 03:37:41 Vice Chair Walker
 03:37:56 Sen. Wanzenried
 03:38:05 Vice Chair Walker

03:38:22 Rep. Gibson
03:38:33 Vice Chair Walker
03:38:40 Sen. Tropila
03:39:35 Chief Justice McGrath

Board of Crime Control:

03:41:37 Sen. Gibson
03:42:53 Vice Chair Walker
03:43:04 Brook Marshall, Executive Director, Board of Crime Control
03:44:15 Rep. Gibson

Department of Justice:

03:44:45 Rep. Gibson
03:47:35 Tim Fox, Attorney General, Montana Department of Justice (DOJ)

EXHIBIT(fcs73a25)

03:53:28 Sen. Brown
03:53:49 Attorney General Fox, DOJ
03:53:57 Sen. Brown
03:55:07 Sen. Wanzenried
03:55:22 Attorney General Fox
03:55:33 Sen. Wanzenried
03:55:43 Attorney General Fox
03:56:29 Sen. Wanzenried
03:57:11 Rep. Gibson
03:58:32 Sen. Wanzenried
03:58:45 Rep. Gibson
03:59:01 Attorney General Fox
03:59:27 Eileen Rose, Montana Department of Justice (DOJ)
04:00:04 Sen. Wanzenried
04:00:23 Ms. Rose, DOJ
04:00:48 Rep. Gibson
04:00:53 Sen. Windy Boy
04:02:18 Attorney General Fox
04:06:33 Sen. Windy Boy
04:07:32 Attorney General Fox
04:08:43 Sen. Windy Boy
04:08:51 Vice Chair Walker
04:09:00 Rep. Gibson
04:09:20 Sen. Moore
04:09:53 Attorney General Fox
04:11:08 Sen. Tropila
04:11:33 Attorney General Fox
04:12:35 Sen. Tropila
04:12:52 Attorney General Fox
04:14:07 Sen. Hamlett
04:14:49 Attorney General Fox

Public Service Commission:

04:15:29 Rep. Gibson
04:16:34 Angelina Hall, Public Service Commission (PSC)

Office of Public Defender:

04:17:47 Rep Gibson
04:19:48 Fritz Gillespie, Chairman, Public Defender Commission (PDC)

[EXHIBIT\(fcs73a26\)](#)

[EXHIBIT\(fcs73a27\)](#)

[EXHIBIT\(fcs73a28\)](#)

Questions from the Committee and Responses:

04:29:37 Sen. Keane
04:30:24 Mr. Gillespie, PDC
04:30:31 Sen. Keane
04:30:50 Mr. Gillespie
04:31:02 Sen. Lewis
04:32:53 Sen. Hamlett
04:33:27 Mr. Gillespie
04:34:57 Sen. Wanzenried
04:35:38 Mr. Gillespie
04:38:33 Sen. Wanzenried
04:39:05 Mr. Gillespie
04:40:48 Chairman Walker
04:41:02 Sen. Wanzenried
04:41:51 Mr. Gillespie
04:43:14 Sen. Wanzenried
04:43:55 Mr. Gillespie
04:45:52 Sen. Wanzenried
04:46:09 Mr. Gillespie
04:46:14 Sen. Tropila
04:46:38 Mr. Gillespie
04:51:47 Sen. Tropila
04:52:19 Mr. Gillespie
04:52:53 Sen. Windy Boy
04:53:18 Mr. Gillespie
04:53:35 Sen. Moore
04:55:01 Mr. Gillespie
04:56:30 Vice Chair Walker
04:57:11 Sen. Wanzenried
04:57:22 Vice Chair Walker

04:57:45 Recess
00:00:05 Reconvene

Absent/Excused: Sen. Moore, Sen. Essmann, Sen. Priest, Sen. Brenden, Sen. Sesso and Sen. Olson

Questions from the Committee and Responses:

00:06:08 Sen. Wanzenried
00:06:20 Chairman Ripley
00:06:48 Sen. Wanzenried
00:07:22 Mr. Gillespie
00:10:00 Sen. Wanzenried
00:10:17 Mr. Gillespie

Corrections:

00:11:24 Rep. Gibson
00:14:20 Director Mike Baptiste, Montana Department of Corrections (COR)

Questions from the Committee and Responses:

00:22:51 Sen. Tropila
00:23:44 Director Baptiste, COR
00:25:42 Sen. Tropila
00:26:08 Director Baptiste
00:26:27 Sen. Sesso entered the meeting.
00:26:35 Rhonda Schaffer, Department of Corrections (COR)

[EXHIBIT\(fcs73a29\)](#)

00:27:22 Sen. Tropila
00:27:26 Sen. Olson entered the meeting.
00:27:48 Ms. Schaffer, COR
00:28:14 Sen. Webb
00:28:39 Ms. Schaffer

Public Comment:

00:30:22 J.D. Lynch, Community Corrections and Counseling Center (CCCC)
00:34:17 J.C. Weingartner, MEA-MFT
00:38:33 Pat Keim, Alternatives, Inc.

[EXHIBIT\(fcs73a30\)](#)

00:45:24 Mike Ruppert, Boyd Andrew Community Services (BACS)
00:48:26 Jim Ahrens, Great Falls Prerelease Center (GFPC)
00:49:08 Frank Gonzales, Office of Public Defender, Office of Appellate Defender (OAD)

[EXHIBIT\(fcs73a31\)](#)

00:58:40 Herb Lay, representing himself
01:00:14 Spook Stang, Motor Carriers of Montana, and for Montana Contractor Association, Montana Logging Association, Montana Retailers Association
01:02:14 Mark Mattioli, Deputy Attorney General, Department of Justice (DOJ)
01:06:34 Brian Lockerby, Montana Division of Criminal Investigation
01:09:19 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:12:55 Scott Crichton, American Civil Liberties Union (ACLU)
[EXHIBIT\(fcs73a32\)](#)

01:27:59 Sen. Wanzenried

01:28:12 Chairman Ripley

01:28:14 Recess

01:39:25 Reconvene

Absent/Excused: Sen. Essman, Sen. Jones, Sen. Priest

EXECUTIVE ACTION ON HB 2- Section D

01:40:04 **Motion:** Sen. Wanzenried moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a33\)](#)

Discussion:

01:40:48 Sen. Wanzenried

01:42:46 Sen. Brown

01:43:17 Sen. Wanzenried

01:44:43 Sen. Walker

01:47:32 Sen. Wanzenried

01:48:58 Sen. Hamlett

01:49:48 Chairman Ripley

01:49:52 Rep. Gibson

01:51:39 Sen. Wanzenried

01:52:22 Sen. Sesso

01:54:16 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

01:55:01 **Motion:** Sen. Wanzenried moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a34\)](#)

Discussion:

01:55:47 Sen. Wanzenried

01:56:09 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

01:57:20 **Motion:** Sen. Wanzenried moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a35\)](#)

Discussion:

01:58:14 Sen. Tropila

01:58:51 Sen. Hamlett
01:59:13 Sen. Wanzenried

01:59:58 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:00:43 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a36\)](#)

Discussion:

02:00:56 Sen. Tropila
02:01:21 Sen. Lewis
02:01:57 Sen. Tropila
02:02:35 Sen. Olson
02:02:49 Sen. Lewis
02:03:29 Ms. Purdy

02:03:57 **Vote:** Motion failed 9-11 by roll call vote with Sen. Brenden, Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Walker, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:05:03 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a37\)](#)

Discussion:

02:05:58 Sen. Tropila
02:07:26 Sen. Walker
02:07:40 Rep. Gibson
02:07:48 Sen. Walker
02:08:04 Sen. Tropila
02:08:57 Greg Dewitt, Legislative Fiscal Division (LFD)
02:09:29 Sen. Brown
02:10:54 Sen. Tropila

02:11:23 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:12:16 **Motion:** Sen. Keane moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a38\)](#)

Discussion:

02:12:43 Sen. Keane
02:13:07 Chairman Ripley
02:13:12 Mr. Dewitt, LFD

02:13:37 Sen. Walker

02:14:00 **Substitute Motion:** Sen. Brown made a **SUBSTITUTE MOTION** for \$1 million each year of the biennium.

Discussion:

02:15:04 Chairman Ripley
02:15:09 Sen. Keane
02:15:32 Sen. Walker
02:16:25 Sen. Wanzenried
02:16:56 Sen. Brown
02:17:15 Sen. Hamlett
02:18:53 Sen. Tropila
02:18:56 Chairman Ripley

02:18:59 **Vote:** Substitute Motion failed 7-13 by roll call vote with Sen. Brown, Sen. Moore, Sen. Olson, Sen. Ripley, Sen. Rosendale, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

Discussion:

02:18:59 Sen. Keane

02:19:04 **Vote:** Motion carried 16-4 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Priest and Sen. Ripley voting no. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:20:10 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a39\)](#)

Discussion:

02:20:12 Sen. Tropila
02:21:44 Sen. Rosendale
02:22:04 Sen. Walker
02:22:14 Ms. Purdy

02:22:33 **Vote:** Motion failed 7-13 by roll call vote with Sen. Hamlett, Sen. Keane, Sen. Moore, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:23:31 **Motion:** Sen. Olson moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a40\)](#)

Discussion:

02:23:47 Sen. Olson
02:24:52 Sen. Keane

02:25:13 Sen. Sesso
 02:26:20 Sen. Keane
 02:26:50 Mr. Dewitt
 02:27:33 Sen. Sesso
 02:27:59 Mr. Dewitt
 02:28:28 Sen. Lewis
 02:28:58 Sen. Olson
 02:29:21 Sen. Brenden
 02:29:32 Sen. Olson
 02:29:41 Sen. Caferro
 02:29:56 Sen. Olson
 02:30:14 Mr. Dewitt

02:30:33 **Vote:** Motion carried 11-9 by roll call vote with Sen. Essmann, Sen. Keane, Sen. Moore, Sen. Priest, Sen. Ripley, Sen. Rosendale, Sen. Sesso, Sen. Walker and Sen. Wanzenried voting no. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:31:50 **Motion:** Sen. Olson moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a41\)](#)

Discussion:

02:32:03 Sen. Olson
 02:33:21 Sen. Moore
 02:33:56 Sen. Keane
 02:35:00 Sen. Walker
 02:35:11 Rep. Gibson
 02:35:34 Sen. Walker
 02:35:47 Sen. Brown
 02:36:02 Mr. Dewitt
 02:36:18 Sen. Windy Boy
 02:36:46 Sen. Buttrey
 02:37:13 Sen. Brenden
 02:37:32 Sen. Caferro

02:37:48 **Vote:** Motion carried 17-2 by voice vote with Sen. Essmann and Sen. Priest voting no. Sen. Essmann and Sen. Priest voted by proxy. Sen. Jones was excused.

Discussion:

02:38:21 Ms. Purdy

02:39:02 **Motion:** Sen. F. Moore moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a42\)](#)

Discussion:

02:39:15 Sen. Moore

02:40:25 Sen. Keane
 02:40:35 Sen. Moore
 02:40:39 Sen. Hamlett
 02:40:53 Sen. Olson
 02:41:02 Chairman Ripley
 02:41:10 Ms. Purdy
 02:41:43 Sen. Keane
 02:42:15 Chairman Ripley

02:42:22 **Vote:** Motion failed 4-16 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Moore and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:43:16 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a43\)](#)

Discussion:

02:43:38 Sen. Tropila

02:44:55 **Substitute Motion:** Sen. Olson made a **SUBSTITUTE MOTION** to add language for OTO.

Discussion:

02:44:59 Sen. Tropila

02:45:01 **Vote:** Substitute Motion carried 11-9 by roll call vote with Sen. Brenden, Sen. Brown, Sen. Essmann, Sen. Moore, Sen. Olson, Sen. Priest, Sen. Ripley, Sen. Rosendale and Sen. Webb voting no. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:46:37 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a44\)](#)

Discussion:

02:47:01 Sen. Tropila

02:48:14 **Vote:** Motion carried 12-8 by roll call vote with Sen. Buttrey, Sen. Caferro, Sen. Essmann, Sen. Hamlett, Sen. Jones, Sen. Lewis, Sen. Priest and Sen. Walker voting no. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

02:49:32 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a45\)](#)

Discussion:

02:49:47 Sen. Tropila
 02:51:42 Sen. Olson

02:51:54 Sen. Tropila
 02:52:13 Sen. Rosendale
 02:53:47 Sen. Tropila
 02:54:36 Sen. Rosendale
 02:54:56 Sen. Tropila
 02:55:31 Sen. Moore
 02:56:05 Sen. Tropila
 02:56:11 Sen. Keane
 02:56:18 Rep. Gibson
 02:57:39 Sen. Webb
 02:57:56 Ms. Purdy
 02:58:13 Rep. Gibson
 02:59:14 Sen. Keane
 02:59:25 Ms. Purdy
 02:59:47 Sen. Moore
 02:59:55 Ms. Purdy
 03:00:09 Sen. Tropila

03:00:14 **Vote:** Motion failed 8-12 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Olson, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:01:49 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a46\)](#)

Discussion:

03:02:07 Sen. Tropila
 03:03:06 Chairman Ripley
 03:03:27 Sen. Tropila
 03:03:48 Sen. Caferro
 03:04:18 Sen. Sesso
 03:05:49 Rep. Gibson
 03:07:07 Sen. Tropila

Sen. Caferro not present

03:07:21 **Vote:** Motion failed 8-12 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Olson, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Caferro, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

Discussion:

03:08:22 Sen. Sesso
 03:10:12 Mr. Dewitt

03:10:25 **Motion:** Sen. Sesso moved to strike line 9 through line 10 on page D-6. (See #2 of Exhibit 46)

Discussion:

03:10:43 Sen. Sesso
03:10:51 Sen. Buttrey
03:11:18 Mr. Dewitt
03:11:39 Rep. Gibson
03:12:16 Sen. Buttrey
03:12:34 Sen. Sesso

Sen. Caferro entered the meeting.

03:13:16 **Vote:** Motion failed 9-11 by roll call vote with Sen. Caferro, Sen. Essmann, Sen. Keane, Sen. Olson, Sen. Priest, Sen. Sesso, Sen. Walker, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:14:17 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**

EXHIBIT(fcs73a47)

Discussion:

03:14:48 Sen. Tropila
03:15:08 Sen. Caferro

03:15:43 **Vote:** Motion failed 10-10 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Lewis, Sen. Olson, Sen. Sesso, Sen. Tropila, Sen. Walker, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:16:38 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**

EXHIBIT(fcs73a48)

Discussion:

03:16:40 Sen. Tropila
03:17:11 Sen. Caferro

03:17:21 **Vote:** Motion failed 10-10 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Lewis, Sen. Olson, Sen. Sesso, Sen. Tropila, Sen. Walker, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:18:34 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**

EXHIBIT(fcs73a49)

Discussion:

03:18:36 Sen. Tropila

03:18:47 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:20:00 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a50\)](#)

Discussion:

03:20:22 Sen. Tropila

03:20:44 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Brenden, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:21:33 **Motion:** Sen. Tropila moved that **HB 2 BE CONCURRED IN.**
[EXHIBIT\(fcs73a51\)](#)

Sen. Brenden left the meeting.

Discussion:

03:22:15 Sen. Tropila

03:23:25 Sen. Brown

03:24:00 Sen. Olson

03:24:42 Sen. Windy Boy

03:25:16 Chairman Ripley

03:25:31 Sen. Tropila

03:26:09 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Brenden, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:27:04 **Motion:** Sen. Keane moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a52\)](#)

Discussion:

03:27:24 Sen. Keane

03:27:53 **Vote:** Motion failed 8-12 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Ripley, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Brenden, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:29:03 **Motion:** Sen. Tropila moved that **HB 2 BE AMENDED.**
[EXHIBIT\(fcs73a53\)](#)

Discussion:

03:29:55 Sen. Tropila

03:30:47 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Brenden, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:31:48 **Motion/Vote:** Sen. Walker moved to close Section D. Motion carried 13-7 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Brenden, Sen. Essmann, Sen. Jones and Sen. Priest voted by proxy.

03:32:55 Chairman Ripley

ADJOURNMENT

Recess: 8:28 p.m.

Prudence Gildroy, Secretary

pg

Additional Documents:

EXHIBIT([fcs73aad.pdf](#))