

MINUTES

MONTANA SENATE 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: Chair Rick Ripley, on April 16, 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. Mary Caferro (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. Mitch Tropila (D)
Sen. David E. Wanzenried (D)
Sen. Roger Webb (R)

Members Excused:

Sen. Edward Buttrey (R)
Sen. Jeff Essmann (R)
Sen. Bradley Hamlett (D)
Sen. Jason Priest (R)
Sen. Jon C. Sesso (D)
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: SJ 33, 4/11/2013 (hearing postponed)

Executive Action: HB 218 Be Concurred In; HB 517 Tabled; HB 556 Be Concurred In; HB 608 Tabled; HB 626 Be Concurred In; HB 19 Be Concurred In As Amended; HB 377 Be Concurred In As Amended; HB 454 Be Concurred In As Amended

Committee Business:

00:23:32 Sen. Sesso and Sen. Hamlett entered the meeting.
00:23:36 Sen. Wanzenried
00:23:55 Taryn Purdy, Legislative Fiscal Division (LFD)
00:25:17 Sen. Wanzenried
00:25:50 Ms. Purdy, LFD

EXECUTIVE ACTION ON HB 218

00:27:03 **Motion:** Sen. Olson moved that **HB 218 BE CONCURRED IN.**

00:27:14 **Motion:** Sen. Rosendale moved that **HB 218 BE AMENDED.**
EXHIBIT(fcs80a01)

Discussion:

00:27:16 Sen. Rosendale
00:29:55 Sen. Lewis
00:30:11 Sen. Rosendale
00:30:23 Sen. Brown
00:30:53 Sen. Rosendale
00:31:00 Sen. Buttrey entered the meeting and Sen. Keane left the meeting.
00:31:37 Sen. Tropila
00:31:53 Sen. Rosendale
00:32:24 Sen. Caferro
00:33:39 Sen. Rosendale
00:34:12 Chairman Ripley
00:34:24 Sen. Rosendale
00:35:07 Chairman Ripley
00:35:21 Sen. Rosendale
00:36:06 Sen. Olson
00:37:05 Sen. Rosendale

00:38:05 **Vote:** Motion carried 17-3 by roll call vote with Sen. Jones, Sen. Sesso and Sen. Wanzenried voting no. Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy.

00:39:29 **Motion:** Sen. Olson moved that **HB 218 BE CONCURRED IN AS AMENDED.**

Discussion:

00:39:37 Sen. Olson
00:39:46 Sen. Brenden
00:40:16 Sen. Brown
00:40:48 Sen. Rosendale
00:41:38 Sen. Brown
00:42:02 Taryn Purdy, Legislative Fiscal Division (LFD)
00:42:28 Sen. Rosendale

00:42:32 Sen. Brenden

00:43:06 Sen. Moore

00:43:40 **Vote:** Motion carried 17-1 by voice vote with Sen. Caferro voting no. Sen. Keane and Sen. Windy Boy voted by proxy. Sen. Essmann and Sen. Priest were excused. Sen. Rosendale will carry the bill.

00:45:20 Sen. Buttrey left the meeting.

EXECUTIVE ACTION ON HB 517

00:45:30 **Motion:** Sen. Olson moved that **HB 517 BE CONCURRED IN.**

Discussion:

00:45:48 Sen. Olson

00:46:01 Taryn Purdy, Legislative Fiscal Division (LFD)

00:46:36 Sen. Moore

00:46:46 Ms. Purdy, LFD

00:47:38 Sen. Olson

00:48:17 Sen. Jones

00:48:54 Sen. Sesso

00:51:06 Sen. Rosendale

00:51:20 Sen. Olson

00:51:41 Ms. Purdy, LFD

00:52:11 Sen. Sesson

00:53:20 Ms. Purdy

00:53:38 Sen. Olson

00:54:57 **Vote:** Motion failed 7-13 by roll call vote with Sen. Caferro, Sen. Keane, Sen. Moore, Sen. Sesso, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Buttrey, Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy.

00:55:07 Without objection, Sen. Olson moved that **HB 517 BE TABLED AND THE VOTE REVERSED.**

00:55:40 Sen. Buttrey entered the meeting.

EXECUTIVE ACTION ON HB 556

00:55:42 **Motion:** Sen. Olson moved that **HB 556 BE CONCURRED IN.**

Discussion:

00:55:52 Sen. Olson

00:56:20 Taryn Purdy, Legislative Fiscal Division (LFD)

00:57:35 Chairman Ripley

00:58:00 Ms. Purdy, LFD

00:58:20 Sen. Brown

00:58:40 Ms. Purdy
 00:59:26 Chairman Ripley
 00:59:36 Sen. Olson
 01:00:54 Sen. Brown
 01:01:18 Chairman Ripley
 01:01:34 Ms. Purdy
 01:01:56 Sen. Tropila
 01:02:24 Ms. Purdy
 01:02:59 Sen. Brenden
 01:03:50 Sen. Rosendale
 01:04:25 Sen. Olson

01:06:01 **Motion/Vote:** Sen. Walker moved that **HB 556 BE TABLED**. Motion failed 8-12 by roll call vote with Sen. Buttrey, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Olson, Sen. Priest, Sen. Ripley and Sen. Walker voting aye. Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy.

01:07:43 **Motion/Vote:** Sen. Olson moved that **HB 556 BE CONCURRED IN**. Motion carried 11-9 by roll call vote with Sen. Buttrey, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Olson, Sen. Priest, Sen. Ripley, Sen. Walker and Sen. Webb voting no. Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy. Sen. Brenden will carry the bill.

EXECUTIVE ACTION ON HB 608

01:09:26 **Motion:** Sen. Olson moved that **HB 608 BE CONCURRED IN**.

Discussion:

01:09:40 Sen. Olson

01:09:52 **Vote:** Motion failed 6-14 by roll call vote with Sen. Caferro, Sen. Hamlett, Sen. Keane, Sen. Moore, Sen. Sesso and Sen. Windy Boy voting aye. Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy.

01:10:49 Without objection, Sen. L. Jones moved that **HB 608 BE TABLED AND THE VOTE REVERSED**.

EXECUTIVE ACTION ON HB 626

01:12:13 **Motion:** Sen. Olson moved that **HB 626 BE CONCURRED IN**.

Discussion:

01:12:22 Sen. Olson

01:13:48 Sen. Webb

01:14:08 Taryn Purdy, Legislative Fiscal Division (LFD)

01:14:23 Sen. Olson

01:15:08 **Vote:** Motion carried 20-0 by roll call vote. Sen. Essmann, Sen. Keane, Sen. Priest and Sen. Windy Boy voted by proxy. Sen. Olson will carry the bill.

01:16:08 Sen. Keane entered the meeting.

EXECUTIVE ACTION ON HB 19

01:16:10 **Motion:** Sen. Olson moved that **HB 19 BE CONCURRED IN.**

Discussion:

01:16:19 Sen. Olson

01:16:56 Taryn Purdy, Legislative Fiscal Division (LFD)

01:17:12 Chairman Ripley

01:17:25 Ms. Purdy, LFD

01:17:34 Sen. Olson

01:18:11 Sen. Brown

01:18:46 Sen. Wanzenried

01:19:20 Gene Walborn, Department of Revenue (DOR)

01:21:59 Sen. Wanzenried

01:22:08 Mr. Walborn, DOR

01:22:31 Ms. Purdy

01:22:46 Sen. Wanzenried

01:23:43 **Motion/Vote:** Sen. Olson moved that **HB 19 BE AMENDED.** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Priest and Sen. Windy Boy were excused.

EXHIBIT(fcs80a02)

01:24:05 **Motion/Vote:** Sen. Walker moved that **HB 19 BE CONCURRED IN AS AMENDED.** Motion carried 17-0 by voice vote. Sen. Essmann, Sen. Priest and Sen. Windy Boy were excused. Sen. Tutvedt will carry the bill.

01:24:43 Recess

02:01:28 Reconvene

EXECUTIVE ACTION ON HB 377

02:01:57 **Motion:** Sen. Olson moved that **HB 377 BE CONCURRED IN.**

Discussion:

02:02:30 Sen. Olson

02:02:55 **Motion:** Sen. T. Brown moved that **HB 377 BE AMENDED.**

EXHIBIT(fcs80a03)

Discussion:

02:04:00 Sen. Brown

02:05:34 Sen. Olson

02:06:12 Sen. Lewis
02:06:38 Sen. Brown
02:06:45 Sen. Tropila
02:07:13 Sen. Brown
02:07:29 Sen. Jones
02:08:27 Sen. Windy Boy entered the meeting.
02:08:42 Sen. Brown

02:09:15 **Vote:** Motion carried 14-6 by roll call vote with Sen. Brenden, Sen. Hamlett, Sen. Keane, Sen. Olson, Sen. Wanzenried and Sen. Windy Boy voting no. Sen. Essmann and Sen. Priest voted by proxy.

02:10:15 **Motion:** Sen. Sesso moved that **HB 377 BE AMENDED.**
[EXHIBIT\(fcs80a04\)](#)

Discussion:

02:10:16 Sen. Brenden, Sen. Brown and Sen. Buttrey left the meeting.
02:10:19 Sen. Sesso
02:16:15 Sen. Jones
02:16:35 Sen. Sesso
02:17:01 Sen. Jones
02:17:21 Sen. Sesso
02:18:07 Julie Johnson, Legislative Services Division (LSD)
02:18:38 Sen. Sesso
02:19:18 Ms. Johnson, LSD
02:19:34 Sen. Olson
02:19:49 Sen. Sesso
02:21:08 Sheri Scurr, Legislative Services Division (LSD)
02:21:54 Sen. Sesso
02:22:21 Ms. Scurr. LSD
02:22:26 Sen. Wanzenried
02:22:51 Sen. Sesso
02:23:30 Ms. Johnson
02:23:32 Sen. Wanzenried
02:24:06 Sen. Sesso
02:25:49 Sen. Wanzenried
02:26:13 Sen. Sesso
02:26:35 Chairman Ripley
02:27:31 Sen. Wanzenried
02:27:45 Sen. Rosendale
02:27:58 Sen. Sesso
02:29:28 Sen. Olson
02:29:53 Ms. Scurr
02:30:09 Sen. Olson
02:30:28 Ms. Scurr
02:30:33 Taryn Purdy, Legislative Fiscal Division (LFD)
02:30:44 Sen. Olson
02:31:10 Ms. Scurr
02:31:42 Sen. Olson

02:31:52 Ms. Scurr
02:32:56 Chairman Ripley
00:33:09 Ms. Scurr

00:33:36 **Substitute Motion/Vote:** Sen. Sesso made a substitute motion to **DO PASS** amendment HB037720.asc with changes to amendment item 8, subsection (1)(b)(ii) so that the subsection would read "(ii) if the legislative finance committee determines that the board has failed to provide a sufficient report pursuant to [Section 20], it shall recommend that \$5 million be subtracted from the amount allocated in subsection (1)(b)(i) subject to legislative Approval." Motion carried 12-8 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting no. Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Essmann and Sen. Priest voted by proxy. (*See amendment Exhibit 4*)

02:35:38 **Motion:** Sen. Lewis moved that **HB 377 BE AMENDED.**
[EXHIBIT\(fcs80a05\)](#)

Discussion:

02:36:10 Sen. Lewis
02:37:45 Sen. Jones
02:39:12 Chairman Ripley
02:40:17 Sen. Olson
02:41:24 Sen. Walker
02:42:38 Sen. Keane
02:43:59 Chairman Ripley
02:44:05 Sen. Lewis
02:45:20 Sen. Ripley
02:45:30 Sen. Olson

02:45:39 **Vote:** Motion failed 8-12 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting aye. Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Essmann and Sen. Priest voted by proxy.

02:46:57 **Motion/Vote:** Sen. Ripley moved that **HB 377 BE CONCURRED IN AS AMENDED.** Motion carried 13-7 by roll call vote with Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting no. Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Essmann and Sen. Priest voted by proxy. Sen. Facey will carry the bill.

EXECUTIVE ACTION ON HB 454

02:49:26 **Motion:** Sen. Olson moved that **HB 454 BE CONCURRED IN.**

02:49:37 **Motion:** Sen. Sesso moved that **HB 454 BE AMENDED.**
[EXHIBIT\(fcs80a06\)](#)

Discussion:

02:50:07 Sen. Sesso
02:58:37 Ms. Scurr

02:59:20 **Substitute Motion:** Sen. Sesso made a substitute motion to **DO PASS** amendment HB045420.asc with changes to amendment item 5 in two places, on pages 4 and 5, amending 15-5-108(9)(c), so that the subsection would read "(c) if the legislative finance committee determines that the public employees' retirement board has failed to provide a sufficient report pursuant to [section 7], it shall recommend that \$5 million be subtracted from the amount allocated in subsection (9)(b)(v) subject to legislative approval."

Discussion:

03:00:23 Sen. Moore

03:00:38 **Vote:** Substitute motion carried 15-0 by voice vote. Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Essmann and Sen. Priest were excused.

Discussion:

03:00:59 Sen. Moore
03:01:23 Sen. Sesso
03:03:01 Sen. Jones
03:03:15 Sen. Sesso
03:03:23 Sen. Moore
03:03:34 Sen. Sesso

03:04:28 **Vote:** Motion on amendment carried 12-8 by roll call vote with Sen. Brenden, Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting no. Sen. Brenden, Sen. Brown, Sen. Buttrey, Sen. Essmann and Sen. Priest voted by proxy.

03:05:31 **Motion:** Sen. Wanzenried moved that **HB 454 BE AMENDED.**
[EXHIBIT\(fcs80a07\)](#)

Discussion:

03:06:09 Sen. Buttrey entered the meeting.
03:06:11 Sen. Wanzenried
03:08:57 Sen. Jones
03:10:02 Sen. Walker
03:11:21 Sen. Moore
03:12:08 Sen. Hamlett
03:12:24 Sen. Wanzenried

03:13:21 **Vote:** Motion failed 8-12 by roll call vote with Sen. Brenden, Sen. Caferro, Sen. Hamlett, Sen. Moore, Sen. Rosendale, Sen. Tropila, Sen. Wanzenried and Sen. Windy Boy voting aye. Sen. Brenden, Sen. Brown, Sen. Essmann and Sen. Priest voted by proxy.

03:14:30 **Motion:** Sen. Lewis moved that **HB 454 BE AMENDED.**
EXHIBIT(fcs80a08)

Discussion:

03:14:32 Sen. Lewis

03:17:17 Sen. Rosendale

03:17:24 Chairman Ripley

03:17:34 **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. Brenden, Sen. Brown, Sen. Essmann and Sen. Priest voted by proxy.

03:19:11 Sen. Brenden entered the meeting.

03:19:37 **Motion/Vote:** Sen. Olson moved that **HB 454 BE CONCURRED IN AS AMENDED.** Motion carried 13-7 by roll call vote with Sen. Essmann, Sen. Lewis, Sen. Moore, Sen. Priest, Sen. Rosendale, Sen. Walker and Sen. Webb voting no. Sen. Brown, Sen. Essmann and Sen. Priest voted by proxy. Sen. Jent will carry the bill.

ADJOURNMENT

Adjournment: 11:10 a.m.

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([fcs80aad.pdf](#))