

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON HOUSE BILL 083

Call to Order: By CHAIRMAN ARNIE A. MOHL, on April 16, 1997, at
1:00 PM, in Room 410.

ROLL CALL

Members Present:

Sen. Arnie A. Mohl (R), Chair
Rep. Ernest Bergsagel (R)
Rep. Matt McCann (D)
Rep. Steve Vick (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. Eve Franklin (D)

Staff Present: Susan Fox, Legislative Council
Nan Lefebvre, Sr. Fiscal Analyst
Joanne Gunderson, Secretary

EXECUTIVE ACTION ON HB 83

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 0.4-2.3; Comments: REP. BERGSAGEL gave his reasons for rejecting Senate amendments.}

Motion: REP. McCANN moved to change the responsibility for overview of the procedure that the law puts in place from the legislative auditor to the fiscal analyst's office.

{Tape: 1; Side: A; Approx. Time Count: 2.9; Comments: REP. McCANN later withdrew the motion.}

Discussion:

EXHIBITS 1 and 2

{Tape: 1; Side: A; Approx. Time Count: 3.0-6.4; Comments: Susan Fox explained the amendments which address the issue of review of the procedure and also summarized other amendments.}

Motion/Vote: SEN. BECK moved adoption of Amendments 1 through 3. The motion carried 6 - 0.

{Tape: 1; Side: A; Approx. Time Count: 6.5}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 7.1; Comments: Susan Fox explained amendment #4.}

Motion/Vote: REP. BERGSAGEL moved adoption of Amendment 4. The motion carried 6 - 0.

{Tape: 1; Side: A; Approx. Time Count: 8.0}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 8.9-14.8; Comments: REP. VICK asked for clarification of the select committee's amendments on lines 14 - 17 on page 2 of the bill and Susan Fox explained; SENS. BECK and MOHL and REPS. BERGSAGEL and VICK continued the discussion of that concern.

Motion: SEN. BECK moved adoption of amendment 5.

{Tape: 1; Side: A; Approx. Time Count: 14.9}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 15.2-20.5; Comments: Bob Anderson, Facilities Manager, Department of Corrections responded to questions from the committee. (Note: None of the members of the audience signed in though they responded to questions from the committee.)}

Vote: The motion carried 6 - 0.

{Tape: 1; Side: A; Approx. Time Count: 21.5}

Motion/Vote: SEN. BECK moved adoption of amendment 6. The motion carried 6 - 0.

{Tape: 1; Side: A; Approx. Time Count: 21.5}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 21.7 - 25.7; Comments: Susan Fox explained amendment 7. Bob Anderson, Facilities Manager, Department of Corrections commented and explained the department's position on the amendment.}

Motion/Vote: SEN. BECK moved adoption of amendment 7. The motion carried 5 - 1; SEN. FRANKLIN voting no.

{Tape: 1; Side: A; Approx. Time Count: 25.8.}

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 26.3; Comments: Susan Fox explained item 4 on Exhibit 1 which included amendments 1, 5, 8, 14, 15, 16, 17, 22, 44, 45, 47, 48, and 49. It was stated that amendment 9 was to be included in this set of amendments. Bob Anderson responded to questions.}

Motion/Vote: SEN. BECK moved adoption of the amendments listed in item 4 on Exhibit 1. The motion carried 6 - 0.

Discussion:

{Tape: 1; Side: A; Approx. Time Count: 29.1; Comments: Amendment 10 was explained.}

Motion/Vote: SEN. FRANKLIN moved adoption of amendment 10. The motion carried 6 - 0.

{Tape: 1; Side: B; Approx. Time Count: 0.1}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 0.5 - 1.7; Comments: Amendments 11, 20, 21, 39, 40, 41 (Item 6 on Exhibit 1) were explained and discussed.}

Motion: SEN. FRANKLIN moved amendments 11, 20, 21, 39, 40 and 41 be adopted. {Tape: 1; Side: B; Approx. Time Count: 1.8}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 2.0-11.4; Comments: Bob Anderson and John Metropoulos responded to questions from the committee. REP. BERGSAGEL suggested amending language to the amendment dealing with the funding cycle to match the biennium and the committee agreed to the amended language.}

Motion/Vote: SEN. FRANKLIN moved a substitute motion to adopt amendments 11, 20, 21, 39, 40, and 41 to include the amended language as proposed. The motion carried 6 - 0.

{Tape: 1; Side: B; Approx. Time Count: 11.5}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 11.7-15.9; Comments: Amendments 20 and 21 were explained by Susan Fox; then amendments 39 and 40 were discussed.}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 16.0; Comments: Amendment 41 was discussed. John Metropoulos and Bob Anderson responded to questions by the committee.}

Vote: The motion carried 6 - 0.

{Tape: 1; Side: B; Approx. Time Count: 18.3}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 18.5; Comments: Amendments 26, 27, 28 and 29 in item 7 on Exhibit 7 were discussed.}

Motion: SEN. BECK moved to adopt amendment 26.

{Tape: 1; Side: B; Approx. Time Count: 20.6}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 19.6; Comments: Susan Fox explained amendment 26. REP. MC MANN raised questions, REP. VICK and Susan Fox further discussed this amendment.}

Vote: The motion carried 5 - 1; REP. VICK voting no.

Motion: SEN. BECK moved to adopt amendments 27, 28, and 29.

{Tape: 1; Side: B; Approx. Time Count: 25.5; Comments: SEN. FRANKLIN asked that amendment 28 be segregated for the purposes of discussion.}

Discussion:

{Tape: 1; Side: B; Approx. Time Count: 25.6-Tape 2; Side A; 6.0; Comments: John Metropoulos and Bob Anderson responded to questions and addressed the concerns of the committee relating to the significant impact of these amendments.}

Vote: The motion to adopt amendments 27 and 29 carried 5 - 1; REP. McCANN voting no.

{Tape: 2; Side: A; Approx. Time Count: 6.9; Comments: Amendment 28 had been segregated.}

Motion/Vote: REP. BECK moved to adopt amendment 28. The motion carried 4 - 2; SEN. FRANKLIN and REP. McCANN voting no.

{Tape: 2; Side: A; Approx. Time Count: 7.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 7.7; Comments: Item 8 on Exhibit 1 was discussed.}

Motion/Vote: REP. BERGSAGEL moved the adoption of amendment 30. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 8.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 8.3; Comments: Amendment 31 was discussed.}

Motion: SEN. FRANKLIN moved to adopt amendment 31.

{Tape: 2; Side: A; Approx. Time Count: 8.4}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 8.5-10.7}

Vote: The motion carried 6 - 0.

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 11.7; Comments: Item 11; amendments 32, 33, 34, 35, and 36 were explained by Susan Fox.}

Motion/Vote: SEN. BECK moved to adopt amendments 32, 33, 34, 35 and 36. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 12.6}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 13.1; Comments: Susan Fox explained amendment 42 (item 12 on Exhibit 1). Bob Anderson responded to questions from the committee.}

Motion/Vote: SEN. BECK moved the adoption of amendment 42. The motion carried 5 - 1; SEN. FRANKLIN voting no.

{Tape: 2; Side: A; Approx. Time Count: 17.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 17.7; Comments: Susan Fox explained amendment 46.}

Motion/Vote: REP. BERGSAGEL moved to adopt amendment 46. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 18.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 18.2; Comments: Susan Fox explained amendment 52.}

Motion/Vote: REP. BERGSAGEL moved to adopt amendment 52. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 18.8}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 19.2; Comments: Susan Fox explained the amendment on page 8, lines 26 and 27 (#37 on Exhibit 2.)}

Motion/Vote: SEN. BECK moved to adopt this amendment. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 20.5}

Motion/Vote: SEN. BECK moved to adopt the balance of the amendments. The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 21.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 21.5; Comments: REP. VICK returned to discussion on page 7, line 1 of the bill and proposed that 10 miles be stricken and 7.5 miles be inserted.}

Motion: REP. VICK moved that on page 7, line 1, 10 miles be stricken and 7.5 miles be inserted.

{Tape: 2; Side: A; Approx. Time Count: 23.3}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 23.5; Comments: Bob Anderson responded to questions from the committee.}

Vote: The motion carried 6 - 0.

{Tape: 2; Side: A; Approx. Time Count: 24.0}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 24.3-28.2; Comments: REP. McCANN and SEN. BECK revisited the issue of location of the facilities in question with respect to proximity to schools.}

Discussion:

{Tape: 2; Side: A; Approx. Time Count: 28.3; Comments: Comments from the public were invited on the bill. John Metropoulos, Riley Johnson and Bob Anderson responded.}

Motion: REP. BERGSAGEL moved a conceptual amendment to reflect their discussion regarding conflict of interest in the review of the process.

{Tape: 2; Side: B; Approx. Time Count: 0.1}

Discussion:

{Tape: 2; Side: B; Approx. Time Count: 1.0-5.9; Comments: The committee reviewed their intent and Susan Fox clarified the language of the proposed amendment.}

Motion/Vote: SEN. BECK moved a substitute amendment 31. The motion carried 6 - 0.

{Tape: 2; Side: B; Approx. Time Count: 6.1}

Motion/Vote: SEN. BECK moved HB 83 BE CONCURRED IN AS AMENDED in the Free Conference Committee Report. The motion carried 6 - 0.

{Tape: 2; Side: B; Approx. Time Count: 6.6}

ADJOURNMENT

Adjournment: The meeting was adjourned at 2:45 PM.



SEN. ARNIE MOHL, Chairman



JOANNE GUNDERSON, Secretary

AM/jg