

MINUTES

MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By CHAIRMAN CHUCK SWYSGOOD, on February 7, 1997,
at 5:04 p.m., in Room 108.

ROLL CALL

Members Present:

Sen. Charles "Chuck" Swysgood, Chairman (R)
Sen. Larry Baer (R)
Sen. Thomas A. "Tom" Beck (R)
Sen. James H. "Jim" Burnett (R)
Sen. B.F. "Chris" Christiaens (D)
Sen. Eve Franklin (D)
Sen. Loren Jenkins (R)
Sen. Greg Jergeson (D)
Sen. John "J.D." Lynch (D)
Sen. Dale Mahlum (R)
Sen. Ken Miller (R)
Sen. Arnie A. Mohl (R)
Sen. Linda J. Nelson (D)
Sen. Mike Taylor (R)
Sen. Daryl Toews (R)
Sen. Mignon Waterman (D)

Members Excused: Sen. Thomas F. Keating, Vice Chairman (R)

Members Absent: Taryn Purdy, Legislative Fiscal Division
Sharon Cummings, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 4, 2/3/97; HB 9, 2/3/97;
HB 12, 2/3/97
Executive Action: None

HEARING ON HB 4

Sponsor: REP. BOB KEENAN, HD 75, BIGFORK presenting for the
sponsor REP. ED GRADY, HD 55, CANYON CREEK

Proponents: None

Opponents: None

Opening Statement by Sponsor:

REP. BOB KEENAN, HD 75, BIGFORK This is a budget bill amendment to increase authority for agencies to spend funds not appropriated during the last legislative session. The Office of Budget and Program Planning certifies budget amendments and submits them to the Legislative Finance Committee for review and comment. When the legislature is in session this bill comes for approval of the budget amendments.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor: REP. KEENAN closes.

{Tape: 1; Side: A; Approx. Time Count: 5:07; Comments: None.}

HEARING ON HB 12

Sponsor: REP. JOE QUILICI, HD 36, BUTTE

Proponents: Tom Livers, Department of Environmental Quality
Beth Baker, Department of Justice

Opponents: None

Opening Statement by Sponsor:

REP. JOE QUILICI, HD 36, BUTTE This bill authorizes the sale of general obligation bonds to fund state energy projects. We sell energy bonds and with the savings derived from conservation programs on various projects the bonds are paid. This has been a very good program and the long range building program has received funds from it.

Proponents' Testimony:

Tom Livers, Department of Environmental Quality (DEQ) I am here to support HB 12. The program sells general obligation bonds to pay for energy efficiency improvements in state owned facilities and uses the energy cost savings to cover the debt service on the bonds. Each biennium DEQ presents a proposed energy package to the governor's office and legislature. This package is contained in HB 12. It saves money and reduces operating costs in state buildings. The projects are engineered so they save more money than they cost. After the bonds are retired the state continues to realize savings. I am available to answer questions on the details of the bill.

Beth Baker, Department of Justice (DOJ) I would like to give you a brief example of how this program works for the taxpayers of Montana. The Montana Law Enforcement Academy recently relocated to Mountain View School in Helena. We received approximately \$55,000 in funding from this program which was used to retrofit many of the old buildings, provide new boilers and other energy saving measures. The money that will be saved from the Academy's energy bills will be used to repay the funding over the next 7-10 years. It will result in long term cost savings. We think the bill makes sense and the Academy is a good example of how it works. We urge your support.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. LOREN JENKINS Is there a fiscal note with this bill? REP. QUILICI No.

Closing by Sponsor:

REP. QUILICI This bill will save money in the long term and generate funds for long range building.

{Tape: 1; Side: A; Approx. Time Count: 5:11; Comments: None.}

HEARING ON HB 9

Sponsor: REP. ERNEST BERGSAGEL, HD 95, MALTA

Proponents: Arni Fishbaugh, Montana Arts Council
Paul Stahl, Montana Cultural Advocacy
Rick Helmus, Montana Arts Council
Ruth Sasser
Jim Kriley, Montana Repertory Theatre
Tom Cordingly, Grandstreet Theatre

Opponents: Mary Sheehy Moe
Biff Karlyn, Artist

Opening Statement by Sponsor:

REP. ERNEST BERGSAGEL, HD 95, MALTA HB 9 appropriates \$15,000 to the Historical Society, \$1.14 million for C & A grants and another \$95,000 to the Historical Society. There are two amendments to this bill. One, adding \$20,000 for the Museum of the Rockies, was added on the House floor. The other amendment was added in appropriations, it is a value amendment recommending that the Arts Council consider the content of the applications for future granting opportunities.

Proponents' Testimony:

Arni Fishbaugh, Montana Arts Council The cultural trust is a fund derived from the coal tax. The grants are initially recommended to the legislature by a 16 member committee, 8 appointed by the Montana Historical Society and 8 appointed by the Montana Arts Council. The cultural trust funds history projects as well as other kinds of artistic projects. Of the \$1.1 million in grants this biennium, over one-third are history projects and at least another \$100,000 are non-arts projects or historic preservation projects on buildings. We have prepared information about the cultural trust and how this money has been expended in the state. (EXHIBIT #1) If you have any questions regarding this handout or any other grants we will be glad to be of service to you.

Paul Stahl, Montana Cultural Advocacy Montana Cultural Advocacy is a group of 400-1000 members made up of institutions, art galleries, theatre groups, history museums and individuals interested in arts and culture. We support the bill but are concerned about the amendment that directs the agencies to make art appropriate to all ages. Our question is, who is going to make this decision and what are the consequences if someone is upset with something a group puts on? Where do we go from there? The calls I've received in the last week tell me that every year someone is upset with something done in an organization. We think the language in this amendment needs to be amended out.

Rick Helmus, Montana Arts Council I have been a member of the Arts Council for the past 4 years. I support this bill but am concerned with the language in the amendment. The Arts Council, has a dedicated staff that has to deal with legislative issues every 2 years. We don't want to complicate staff's life, such as an interpretation of this amendment. The Arts Council takes a serious look at all groups requesting funds and as far as I know, this is the only complaint like this that has ever occurred. I would hate to have a reaction such as this imprudent language in a bill. I wouldn't like to take the responsibility away from the council, we take that job seriously. I would appreciate being allowed to continue doing that job.

Ruth Sasser I don't know whether I'm a proponent or opponent. I'm going on record as being in favor of the bill but opposed to the amendment language.

Jim Kriley, Montana Repertory Theatre For the past 21 years I have been working with the Montana Repertory Theatre. I am taking this opportunity to present our perception of the issue. For 26 years the Montana Repertory Theatre has toured over 50 productions throughout the State of Montana. This means is that we have gone into communities over 1000 times & if they don't like what you do, you will not be invited back to that community. Over the last 26 years we have always been invited back and have never received a complaint regarding the appropriateness or

inappropriateness of the material or stories we've brought into communities in regards to either adults or children.

Mr. Kriley describes the poster for Sex, Drugs, Rock & Roll. I do not see this as a Maplethorpe or a Serrano. I see this poster as a statement of what that play was entitled. The story demonstrates what happens to people when they are involved in that kind of lifestyle and how it ruins their lives. This is an educationally oriented story, it is not a story built on sensationalism. The subtitle on the poster stating this is sponsored by the state is not correct. This production was not sponsored by the legislature or the Montana Arts Council, it was supported totally and exclusively by ticket sales. This production had absolutely no state funding or support behind it.

I'd like to respond to the notion of storytelling itself, I recognize that storytelling is an extremely powerful tool in our world. We know that 70% of all learning takes place through storytelling. Through stories we gain experiences and insights into life without having to live through those experiences and insights. Shakespeare, Hemingway, Rogers & Hammerstein, Lerner & Lowe, to name a few, have never been able to avoid the process of telling and addressing death, murder, promiscuity, sex, etc. in their stories. That is because they are a part of the world we live in. This is not built in to promote the concept but to explain and give avenues for people to experience and understand what happens as a consequence of an act.

The type of amendment added to this bill is very difficult if not impossible to legislate. I interpret the amendment as an attempt to try to protect our children. I assure you as artists we censor ourselves every single day. I am always concerned about the material the Montana Repertory Theatre sends out. The people in the state are my neighbors, I'm not interested in offending them. As far as I'm concerned this amendment restricts access for adults who are capable of making their own choices.

CHAIRMAN SWYSGOOD requests a copy of the Sex, Drugs, Rock & Role poster before executive action on Tuesday.

Tom Cordingly, Grandstreet Theatre I ditto everything said by Dr. Kriley and Paul Stahl. I ask you to remember your sworn statement to support and protect the constitution of the United States of America and free speech. My business would be in big trouble if we had people telling us how to run it. I'm sure you wouldn't want that happening to you.

{Tape: 1; Side: A; Approx. Time Count: 5:30; Comments: None.}

Opponents' Testimony:

Mary Sheehy Moe I oppose HB 9 because I think it is death to art in Montana with this amendment in it. The message this sends out to every kind of artist in the state will chill art throughout

Montana. It takes courage to be a writer, to be an artist who doesn't paint the things everybody likes, to be a playwright who puts something on that disturbs people. You cause artists to lose heart when you say it must only be something for children. I'm opposed to the entire bill.

Biff Karlyn, Artist I have a gallery and studio and have never taken state money. In my business, if people don't like what I do for them, they don't come back. I think that is fair, I think every transaction has a bias and you are entitled to your bias. I have no problem with that. I see this as anticipating what the work is going to be and shutting the door before it is able to come out.

{Tape: 1; Side: A; Approx. Time Count: 5:32; Comments: None.}

Questions From Committee Members and Responses:

SEN. TOM BECK This amendment may present an administrative problem for you. Can you tell which of the grants for this biennium would fall under this and not be awarded? **Ms. Fishbaugh** There is no way to know at this time because, in most cases, there is not a direct production involved in the application.

SEN. J.D. LYNCH I have 2 little girls and they don't appreciate the same art. The amendment states we need to have something appropriate for children of all ages. How can this work, have you talked about this? **REP. BERGSAGEL** I think you are seeing the committee's frustration. Most of us are recognizing a deterioration in values. I don't think it is fair to blame the arts.

SEN. LYNCH If this happens to be moved by the Senate, how stringent is the House going to try to keep it in? **REP. BERGSAGEL** I don't know how the other members feel but I don't care what you do.

SEN. MIKE TAYLOR Has anyone addressed the constitutionality of this? **REP. BERGSAGEL** Absolutely not. The membership saw the poster and said if we are going to fund something for the citizens of this state it should be for all the citizens of the state.

SEN. LOREN JENKINS Why is everybody raising a fuss when you can program by selling tickets without using state money? If they want to do that kind of program, this doesn't accomplish anything. **Mr. Kriley** That particular production, Sex, Drugs, Rock & Roll, was funded by ticket sales. The Montana Repertory Theatre receives funding from individual communities but also needs basic funding. If we had a track record of complaints there may be cause to respond this way. That has not been the case. Do we need state assistance? You can't run a theatre without some assistance.

SEN. JENKINS If you have a play that is not for all audiences, couldn't you put that on without state funding? **Mr. Kriley** You are talking about difficult judgements to make. As an example, this year we are touring a production of To Kill A Mockingbird. If you go through the educational system of the U.S. you will find To Kill A Mockingbird is the most used novel in high school curriculums. On the other hand, there are issues that come up in this story such as rape. Who will judge this? Do I say we don't go for funding for To Kill A Mockingbird, do I ask the Arts Council for advice? Do you understand the dilemma we are in?

SEN. ARNIE MOHL What age are you considering children? **SEN. BERGSAGEL** I think the statement made in the committee was, "I don't want the state funding anything that I would not let my 6 year old see." I did not know about this amendment until it surfaced.

Mr. Helmus The reason I explained my life in Montana was to show that I share some of the same values as many committee members. The Arts Council hopes we are making the same decisions you would make when looking at these funding proposals. We would like to keep that authority with the council. We try to separate wheat from chaff; a lot of what we fund is staffing.

SEN. BECK I notice the Museum of the Rockies was put back into the bill, is it at the bottom of the priority list? **REP.**

BERGSAGEL That is correct.

CHAIRMAN SWYSGOOD Was this amendment added in full House Appropriations and not on the floor? **REP. BERGSAGEL** The amendment regarding the language suggesting it be for all audiences was added in Appropriations. The amendment regarding the Museum of the Rockies was added in full House.

Grant Recommendation Chart handed out to committee. (EXHIBIT #2)

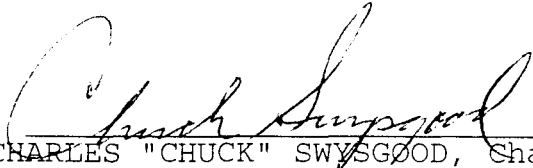
{Tape: 1; Side: A; Approx. Time Count: 5:41; Comments: None.}

Closing by Sponsor:

REP. BERGSAGEL I'm not an art fan, I'm an analytical guy who lives on a farm so I can't tell you about the intricacies of art. I can tell you the Arts Council does a very good job and I have received complete cooperation from the staff.

ADJOURNMENT

Adjournment: 5:43 p.m.


SEN. CHARLES "CHUCK" SWYSGOOD, Chairman


SHARON CUMMINGS, Secretary

CS/SC