

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Dennis Himmelberger, on February 23, 2007 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Duane Ankney, Vice Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Gary Branae (D)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Pat Ingraham (R)
Rep. William J. Jones (R)
Rep. Bruce Malcolm (R)
Rep. Walter McNutt (R)
Rep. Alan Olson (R)
Rep. Mike Phillips (D)
Rep. Veronica Small-Eastman (D)
Rep. Franke Wilmer (D)

Members Excused: Rep. Debby Barrett
Rep. Scott Sales

Members Absent: None

Staff Present: Dee Barfknecht, Committee Secretary
Sheri Heffelfinger, 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:	HB 789, HB 783, HB 760, HJ 41 HB 777, HB 797, HB 803
Executive Action:	HB 783, HB 789, HB 765, HJ 41 HB 803, HB 740, HB 771, HB 767 HB 169, HB 528, HB 670, HB 693 HB 694, HB 752, HB 562, HB 576 HB 163, HB 632, HB 777

HEARING ON HB 783

Opening Statement by Sponsor:

00:02:41 Rep. Bob Lake (R), HD 88, opened the hearing on HB 783,
Revise election laws.

Proponents' Testimony:

00:05:21 Mark Simonich, Secretary of State's Office

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:07:05 Rep. Hendrick
00:08:28 Rep. Lake
00:08:39 Rep. Ingraham
00:08:50 Rep. Lake
00:09:04 Mr. Simonich
00:09:15 Rep. Ingraham
00:09:54 Mr. Simonich
00:10:53 Rep. Caferro
00:11:48 Mr. Simonich
00:11:54 Rep. Caferro
00:12:17 Mr. Simonich
00:12:23 Rep. Caferro
00:13:09 Mr. Simonich

Closing by Sponsor:

00:13:16 Rep. Lake

HEARING ON HB 760

Opening Statement by Sponsor:

00:14:31 Rep. Wanda Grinde (D), HD 48, opened the hearing on HB
760, Revise state campaign funding, establish Clean
Elections Act.

Proponents' Testimony:

00:23:49 Linda Gryczan, Montana League of Women Voters
00:25:41 Elizabeth Andrews, Montana Common Cause

Opponents' Testimony: None

Informational Testimony:

00:26:04 Mark Simonich, Secretary of State's Office

00:26:43 Shona McHugh, Department of Revenue

Questions from Committee Members and Responses:

00:28:02 Rep. Phillips

00:28:22 Rep. Grinde

00:28:27 Rep. Henry

00:29:02 Rep. Grinde

00:29:20 Rep. Wilmer

00:29:24 Rep. Grinde

00:29:31 Rep. Wilmer

00:30:23 Rep. Grinde

00:31:11 Rep. Ingraham

00:32:33 Rep. Grinde

00:33:10 Sheri Heffelfinger

00:33:25 Rep. Olson

00:33:41 Rep. Grinde

00:34:41 Rep. Olson

00:34:47 Rep. Grinde

00:34:53 Chairman Himmelberger

00:35:03 Rep. Grinde

Closing by Sponsor:

00:35:10 Rep. Grinde

HEARING ON HB 797

Opening Statement by Sponsor:

00:36:29 Rep. Duane Ankney (R), HD 43, opened the hearing on HB 797, Provide for an early presidential primary.

Proponents' Testimony:

00:40:43 Jeff Garrard, Secretary of State's Office

Opponents' Testimony: None

Informational Testimony:

00:42:42 Robert Throssell, Montana Clerk and Recorders &
Election Administrators

Questions from Committee Members and Responses:

00:43:41 Rep. Wilmer
00:44:39 Rep. Ankney
00:44:51 Rep. Caferro
00:44:59 Rep. Ankney
00:45:53 Rep. Caferro
00:46:08 Rep. Ankney
00:46:13 Rep. Caferro
00:47:22 Rep. Ankney
00:47:27 Rep. Caferro
00:47:55 Rep. Ingraham
00:48:16 Mr. Garrard

Closing by Sponsor:

00:48:57 Rep. Ankney

HEARING ON HJ 41

Opening Statement by Sponsor:

00:49:43 Rep. Kevin Furey (D), HD 91, opened the hearing on HJ
41, Sympathy for Montanan's lost lives in war on
terror.

[EXHIBIT\(sth41a01\)](#)

[EXHIBIT\(sth41a02\)](#)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:51:43 Rep. Furey

HEARING ON HB 789

Opening Statement by Sponsor:

00:52:50 Rep. Margaret Campbell (D), HD 31, opened the hearing on HB 789, Allow use of tribal identification cards for state identification purposes.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:57:41 Rep. Ingraham
00:57:50 Rep. Campbell
00:58:06 Rep. Dickenson
00:59:02 Rep. Campbell
00:59:36 Chairman Himmelberger

Closing by Sponsor:

01:00:05 Rep. Campbell

HEARING ON HB 803

Opening Statement by Sponsor:

01:01:42 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 803, Board of veterans' affairs education program on depleted uranium.

Proponents' Testimony:

01:02:24 Rep. Henry

Opponents' Testimony: None

Informational Testimony:

01:03:44 Joe Foster, Administrator for Montana Veterans Affairs Division

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:04:09 Rep. Himmelberger

HEARING ON HB 792

Opening Statement by Sponsor:

01:04:29 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 792, Index post-retirement GABA for future PERS and TRS members.

Proponents' Testimony:

01:08:01 Sen. Balyeat

01:13:25 Leo Berry, Association of Montana Retired Public Employees

[EXHIBIT](#)(sth41a03)

Opponents' Testimony:

01:16:45 David Senn, Executive Director, Teachers Retirement System

01:22:12 Roxanne Minnehan, Executive Director, Public Employees Retirement Administration

01:27:13 Tom Bilodeau, Montana Education Association, Montana Federation of Teachers (MEA/MFT)

[EXHIBIT](#)(sth41a04)

01:29:12 Don Judge, Teamsters Local 190

01:29:28 Claudia Clifford, AARP Montana

01:30:14 Melanie Symons, Montana Public Employees Retirement Administration

Informational Testimony: None

Questions from Committee Members and Responses:

01:30:57 Rep. Hendrick

01:31:14 Sen. Balyeat

01:36:00 Rep. Wilmer

01:36:49 Mr. Senn

01:37:19 Rep. Wilmer

01:37:36 Mr. Senn

01:37:47 Rep. Wilmer

01:38:01 Ms. Minnehan

01:39:12 Rep. Dickenson

01:39:36 Rep. Himmelberger

01:42:31 Rep. Malcolm
01:43:23 Sen. Balyeat
01:45:14 Rep. Malcolm
01:45:45 Sen. Balyeat
01:46:07 Rep. Wilmer
01:46:41 Sen. Balyeat
01:49:12 Rep. Wilmer
01:49:56 Sen. Balyeat

Closing by Sponsor:

01:52:28 Rep. Himmelberger

01:54:20 Break
02:19:42 Reconvene

EXECUTIVE ACTION ON HJ 41

02:20:38 **Motion:** Rep. Wilmer moved that **HJ 41 BE ADOPTED.**

Discussion:

02:20:52 Rep. Ingraham
02:21:18 Rep. Henry
02:21:49 Rep. Ingraham

02:21:59 **Vote:** Motion that **HJ 41 BE ADOPTED** carried unanimously by voice vote, 18-0. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 783

02:22:44 **Motion:** Rep. Olson moved that **HB 783 DO PASS.**

Discussion:

02:22:55 Rep. Dickenson
02:23:51 Rep. Ingraham

02:24:31 **Vote:** Motion that **HB 783 DO PASS** carried by roll call vote, 16-2. Reps. Caferro and Dickenson voted no. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 789

02:26:16 **Motion:** Rep. Malcolm moved that **HB 789 DO PASS.**

Discussion:

02:26:32 Rep. Ingraham
02:27:05 Rep. Wilmer
02:27:20 Rep. Dickenson

02:27:27 **Vote:** Motion that **HB 789 DO PASS** carried by voice vote, 15-3. Reps. Himmelberger, Barrett and Sales voted no. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 632

02:30:40 **Motion:** Rep. Phillips moved that **HB 632 BE RECONSIDERED.** (HB 632 previously Tabled, 02/19/07)

Discussion:

02:30:48 Chairman Himmelberger
02:30:58 Rep. Caferro
02:31:02 Chairman Himmelberger
02:31:08 Rep. Caferro
02:31:11 Chairman Himmelberger
02:31:22 Rep. Caferro
02:31:40 Chairman Himmelberger

02:31:47 **Motion:** Rep. Caferro moved to object to the Chairman's decision to dispense and take executive action on all the bills that have not had executive action taken yet and then hear tabled bills after that.

Discussion:

02:31:50 Chairman Himmelberger
02:32:11 Rep. Caferro
02:32:15 Sheri Heffelfinger
02:32:20 Rep. Ankney
02:32:23 Chairman Himmelberger
02:32:33 Rep. Dickenson
02:32:38 Rep. Caferro
02:32:40 Chairman Himmelberger
02:32:41 Rep. Caferro
02:32:54 Chairman Himmelberger

02:33:10 Rep. Phillips withdrew his motion

02:33:14 Chairman Himmelberger

02:33:18 **Vote:** Motion to object to the Chairman's decision regarding the order of hearing bills, failed by roll call vote, 8-10. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Phillips, Small-Eastman and Wilmer voted aye. Reps. Sales, Barrett, Hendrick and Small-Eastman voted by proxy.

Additional Discussion:

02:34:09 Rep. Jacobson

02:34:23 Chairman Himmelberger

02:35:18 Rep. Jacobson

02:35:23 Chairman Himmelberger

02:35:40 Rep. Phillips

02:35:10 Chairman Himmelberger

EXECUTIVE ACTION ON HB 765

02:36:56 **Motion:** Rep. Ingraham moved that **HB 765 DO PASS.**

Discussion:

02:37:21 Rep. Olson

02:38:12 Rep. Ingraham

02:38:44 Rep. Olson

02:38:50 **Vote:** Motion that **HB 765 DO PASS** carried by voice vote, 11-7. Reps. Henry, Branae, Himmelberger, Wilmer Barrett, Ankney and Sales voted no. Reps. Sales, Hendrick, Small-Eastman, Caferro and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 777

02:39:56 **Motion:** Rep. Olson moved that **HB 777 DO PASS.**

02:40:11 **Motion:** Rep. Olson moved that **HB 777 BE AMENDED.**

EXHIBIT(sth41a05)

Discussion:

02:40:29 Ms. Heffelfinger

02:46:32 Rep. Olson

02:47:27 Chairman Himmelberger

02:47:31 Rep. Phillips

02:47:41 **Vote:** Motion that **HB 777 BE AMENDED** carried by voice vote, 16-2. Reps. Phillips and Dickenson voted no. Reps. Sales, Hendrick, Small-Eastman, Caferro and Barrett voted by proxy.

02:48:36 **Motion:** Rep. Olson moved that **HB 777 DO PASS AS AMENDED.**

02:48:51 **Substitute Motion/Vote:** Rep. Olson made a substitute motion that **HB 777 BE TABLED.** Substitute motion carried by voice vote, 17-1. Rep. Sales voted no. Reps. Sales, Hendrick, Small-Eastman, Caferro and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 740

02:49:25 **Motion:** Rep. Olson moved that **HB 740 DO PASS.**

02:50:38 **Motion:** Rep. Olson moved that **HB 740 BE AMENDED.**
EXHIBIT(sth41a06)

Discussion:

02:51:19 Rep. Olson

02:51:22 Rep. Phillips

02:51:25 Rep. Ingraham

02:51:47 **Vote:** Motion that **HB 740 BE AMENDED** carried unanimously by voice vote, 18-0. Reps. Sales, Caferro, Small-Eastman, Hendrick and Barrett voted by proxy.

02:52:18 **Motion/Vote:** Rep. Olson moved that **HB 740 DO PASS AS AMENDED.** Motion carried unanimously by voice vote, 18-0. Reps. Sales, Hendrick, Caferro, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 767

02:53:31 **Motion:** Rep. Ankney moved that **HB 767 DO PASS.**

Discussion:

02:53:46 Rep. Wilmer

02:54:12 Rep. Olson
02:54:53 Chairman Himmelberger
02:54:56 Rep. Olson
02:54:59 Rep. Dickenson
02:56:25 Rep. Ingraham
02:57:18 Rep. Wilmer

02:57:25 **Vote:** Motion that **HB 767 DO PASS** failed by tie vote, roll call vote, 9-9. Reps. Himmelberger, Ankney, Barrett, Hendrick, Ingraham, Malcolm, McNutt, Olson and Sales voted aye. Reps. Sales, Hendrick, Caferro, Small-Eastman, Olson and Barrett voted by proxy.

02:59:34 **Motion/Vote:** Rep. Ankney moved that **HB 767 BE TABLED**. Motion carried unanimously by voice vote, 18-0. Reps. Sales, Caferro, Small-Eastman, Olson, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 169

03:02:02 **Motion:** Rep. Ankney moved that **HB 169 DO PASS**.

Discussion:

03:02:34 Chairman Himmelberger

03:03:42 **Substitute Motion/Vote:** Rep. Ankney a substitute motion that **HB 169 BE TABLED**. Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales, Olson, Small-Eastman, Caferro, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 528

03:04:07 **Motion:** Rep. Ingraham moved that **HB 528 DO PASS**.

Discussion:

03:04:12 Chairman Himmelberger

03:04:16 **Substitute Motion/Vote:** Rep. Ankney made a substitute motion that **HB 528 BE TABLED**. Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales, Olson, Caferro, Hendrick, Small-Eastman and Barrett voted proxy.

EXECUTIVE ACTION ON HB 670

03:05:11 **Motion:** Rep. Ankney moved that **HB 670 DO PASS.**

Discussion:

03:05:29 Chairman Himmelberger

03:06:06 **Substitute Motion/Vote:** Rep. Ankney made a substitute motion that **HB 670 BE TABLED.** Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 693

03:07:02 **Motion:** Rep. Olson moved that **HB 693 DO PASS.**

03:07:15 **Substitute Motion/Vote:** Rep. Ankney made a substitute motion that **HB 693 BE TABLED.** Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales, Small-Eastman, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 694

03:07:53 **Motion:** Rep. Jones moved that **HB 694 DO PASS.**

03:08:17 **Substitute Motion/Vote:** Rep. Ankney made a substitute motion that **HB 694 BE TABLED.** Substitute Motion carried unanimously by voice vote, 18-0. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 752

03:09:13 **Motion:** Rep. Olson moved that **HB 752 DO PASS.**

Discussion:

03:10:06 Rep. Dickenson

03:12:56 Rep. Ingraham

03:13:18 Rep. Phillips

03:13:39 **Substitute Motion/Vote:** Rep. Phillips made a substitute motion that **HB 752 BE TABLED**. Substitute motion failed by roll call vote, 8-10. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Phillips, Small-Eastman and Wilmer voted aye. Reps. Hendrick, Small-Eastman, Sales and Barrett voted by proxy.

Discussion:

03:15:18 Rep. Wilmer
03:15:51 Rep. Olson
03:16:34 Rep. Malcolm
03:16:57 Rep. Ingraham

03:17:14 **Vote:** Motion that **HB 752 DO PASS** failed by tie vote, roll call vote, 9-9. Reps. Himmelberger, Ankney, Barrett, Hendrick, Ingraham, Jones, McNutt, Olson and Sales voted aye. Reps. Sales, Hendrick, Small-Eastman and Barrett voted by proxy.

03:18:32 **Motion/Vote:** Rep. Ankney made a motion that **HB 752 BE TABLED**. Motion carried by voice vote 17-1. Rep. Sales voted no. Reps. Barrett, Small-Eastman, Hendrick and Sales voted by proxy.

EXECUTIVE ACTION ON HB 771

03:19:21 **Motion:** Rep. Jones moved that **HB 771 DO PASS**.

03:19:32 **Motion:** Rep. Jones moved that **HB 771 BE AMENDED**.
[EXHIBIT](#)(sth41a07)

Discussion:

03:20:22 Rep. Jones

03:20:35 **Vote:** Motion that **HB 771 BE AMENDED** carried unanimously by voice vote, 18-0. Reps. Sales, Small-Eastman, Hendrick and Barrett voted by proxy.

03:20:58 **Motion/Vote:** Rep. Jones moved that **HB 771 DO PASS AS AMENDED**. Motion that **HB 771 DO PASS AS AMENDED** carried unanimously by voice vote, 18-0. Reps. Sales, Small-Eastman, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 562

03:22:38 **Motion:** Rep. Olson moved that **HB 562 DO PASS AS AMENDED.** (Previously amended, 02/08/07)

Discussion:

03:23:24 Chairman Himmelberger
03:23:53 Rep. Olson
03:23:56 Rep. Phillips
03:24:08 Chairman Himmelberger

03:24:14 **Motion:** Rep. Phillips moved that **HB 562 HAVE AMENDMENTS REMOVED.**

Discussion:

03:24:40 Chairman Himmelberger
03:25:05 Rep. Ingraham
03:25:44 Rep. Wilmer
03:25:59 Rep. Phillips

03:27:38 **Vote:** Motion that **HB 562 HAVE AMENDMENTS REMOVED** failed by roll call vote 8-10. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Malcolm, Phillips and Wilmer voted aye. Reps. Barrett, Hendrick and Sales voted by proxy.

Discussion:

03:27:54 Rep. Caferro
03:29:11 Rep. Branae
03:29:28 Rep. Olson
03:29:55 Rep. Caferro
03:30:36 Rep. Malcolm

03:31:21 **Substitute Motion/Vote:** Rep. Olson made a substitute motion that **HB 562 BE TABLED.** Substitute motion carried by roll call vote, 10-8. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Phillips, Small-Eastman and Wilmer voted no. Reps. Sales, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 576

03:34:17 **Motion:** Rep. Henry moved that **HB 576 DO PASS.**

03:34:36 **Motion/Vote:** Rep. Jones made a substitute motion that **HB 576 BE TABLED.** Substitute motion carried by roll call vote, 10-8. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Phillips, Small-Eastman and Wilmer voted no. Reps. Sales, Hendrick and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 163

03:36:25 **Motion:** Rep. Ankney moved that **HB 163 DO PASS.**

Discussion:

03:36:34 Rep. Olson

03:37:01 **Substitute Motion/Vote:** Rep. Small-Eastman made a substitute motion that **HB 163 BE TABLED.** Substitute motion failed by tie vote, roll call vote, 9-9. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Malcolm, Phillips, Small-Eastman and Wilmer voted aye. Reps. Sales and Barrett voted by proxy.

03:37:48 **Motion/Vote:** Rep. Olson moved that **HB 163 DO PASS.** Motion failed by roll call vote, 8-10. Reps. Olson, Himmelberger, Ankney, Barrett, Hendrick, Ingraham, McNutt and Sales voted aye. Reps. Sales and Barrett voted by proxy.

03:38:02 **Substitute Motion/Vote:** Rep. Olson made a substitute motion that **HB 163 BE TABLED AND THE VOTE REVERSED.** Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 803

03:42:37 **Motion:** Rep. Henry moved that **HB 803 DO PASS.**

Discussion:

03:42:49 Rep. Henry

03:43:05 **Vote:** Motion that **HB 803 DO PASS** carried unanimously by voice vote, 18-0. Reps. Sales and Barrett voted by proxy.

EXECUTIVE ACTION ON HB 632

03:43:52 **Motion:** Rep. Phillips moved that **HB 632 BE RECONSIDERED**. (HB 632 previously Tabled, 02/19/07)

Discussion:

03:46:05 Chairman Himmelberger

03:46:36 Rep. Phillips

03:47:19 Rep. Dickenson

03:47:33 Rep. Phillips

03:48:25 **Vote:** Motion that **HB 632 BE RECONSIDERED** carried by roll call vote, 9-7. Reps. Himmelberger, Ankney, Hendrick, Ingraham, Jones, Malcolm and McNutt voted no. Present and voting only.

03:50:40 Break

03:56:31 Reconvene

03:56:54 **Motion:** Rep. Phillips moved that **HB 632 DO PASS AS AMENDED** (Previously amended, 02/19/07)

Discussion:

03:57:35 Rep. Phillips

03:58:48 Rep. Small-Eastman

03:59:57 Ms. Heffelfinger

04:01:33 Rep. Henry

04:02:05 Rep. Olson

04:03:17 Chairman Himmelberger

04:03:41 **Vote:** Motion that **HB 632 DO PASS AS AMENDED** failed by tie vote, roll call vote, 9-9. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Olson, Phillips, Small-Eastman and Wilmer voted aye.

04:04:56 **Substitute Motion/Vote:** Rep. Ankney made a substitute motion that **HB 632 BE TABLED**. Substitute motion carried by voice vote, 10-8. Reps. Henry, Small-Eastman, Dickenson, Phillips, Wilmer, Caferro, Branae, and Jacobson voted no. Reps. Barrett and Sales joined the meeting.

Additional Exhibit:

Documents Pertaining to HB 792, Hearing Date 02/23/07.

EXHIBIT(sth41a08)

ADJOURNMENT

04:06:42 Adjournment

REP. DENNIS HIMMELBERGER, Chairman

DEE BARFKNECHT, Secretary

DH/db

Additional Exhibits:

EXHIBIT ([sth41aad.pdf](#))