

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 60th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** By Chairman Dennis Himmelberger, on March 30, 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. Mike Phillips (D)  
Rep. Veronica Small-Eastman (D)  
Rep. Franke Wilmer (D)

**Members Excused:** Rep. Debby Barrett  
Rep. Alan Olson  
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: None  
Executive Action: SB 172, SB 181, SB 253, SB 374  
SB 443, SB 489, SB 497, SB 509

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**EXECUTIVE ACTION ON SB 172**

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00:01:50 **Motion:** Rep. Ankney moved that **SB 172 BE CONCURRED IN**.

00:02:17 **Motion:** Rep. Ankney moved that **SB 172 BE AMENDED**.  
[EXHIBIT \(sth68a01\)](#)

**Discussion:**

00:03:27 Sheri Heffelfinger  
00:07:59 Chairman Himmelberger

00:08:07 **Vote:** Motion that **SB 172 BE AMENDED** carried unanimously by voice vote, 18-0. Reps. Sales, Caferro, Barrett and Olson voted by proxy.

00:08:51 **Motion/Vote:** Rep. Ankney moved that **SB 172 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote, 18-0. Reps. Sales, Caferro, Olson and Barrett voted by proxy. Rep. Olson will carry the bill.

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**EXECUTIVE ACTION ON SB 181**

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00:10:03 **Motion:** Rep. Ingraham moved that **SB 181 BE CONCURRED IN**.

**Discussion:**

00:10:13 Rep. Ingraham

00:10:38 **Vote:** Motion that **SB 181 BE CONCURRED IN** carried unanimously by voice vote, 18-0. Reps. Sales, Caferro, Barrett and Olson voted by proxy. Rep. Ripley will carry the bill.

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**EXECUTIVE ACTION ON SB 253**

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00:11:37 **Motion:** Rep. Wilmer moved that **SB 253 BE CONCURRED IN**.

**Discussion:**

00:11:50 Rep. Hendrick  
00:12:37 Ms. Heffelfinger  
00:12:54 Rep. Phillips  
00:13:52 Chairman Himmelberger

00:13:58 Rep. Wilmer  
00:14:31 Rep. Dickenson  
00:15:45 Rep. Henry

00:16:36 **Vote:** Motion that **SB 253 BE CONCURRED IN** carried by voice vote, 14-4. Reps. Malcolm, Jones, Barrett and Sales voted no. Reps. Sales, Olson and Barrett voted by proxy. Rep. Wilmer will carry the bill.

#### **EXECUTIVE ACTION ON SB 374**

00:18:09 **Motion:** Rep. Ingraham moved that **SB 374 BE CONCURRED IN**.

#### **Discussion:**

00:18:16 Rep. McNutt  
00:18:33 Ms. Heffelfinger  
00:18:39 Rep. McNutt  
00:19:08 Chairman Himmelberger  
00:19:31 Rep. McNutt  
00:19:38 Rep. Henry  
00:20:02 Rep. Ingraham

00:20:22 **Vote:** Motion that **SB 374 BE CONCURRED IN** carried unanimously by voice vote, 18-0. Reps. Sales, Olson and Barrett voted by proxy. Rep. Koopman will carry the bill.

#### **EXECUTIVE ACTION ON SB 443**

00:21:20 **Motion:** Rep. Ingraham moved that **SB 443 BE CONCURRED IN**.

#### **Discussion:**

00:21:39 Rep. Ingraham

00:22:17 **Vote:** Motion that **SB 443 BE CONCURRED IN** carried unanimously by voice vote, 18-0. Reps. Sales, Olson and Barrett voted by proxy. Rep. Olson will carry the bill.

**EXECUTIVE ACTION ON SB 489**

00:23:21 **Motion:** Rep. Ankney moved that **SB 489 BE CONCURRED IN.**

00:24:08 **Motion:** Rep. Ankney moved that **SB 489 BE AMENDED.**  
**EXHIBIT (sth68a02)**

**Discussion:**

00:25:17 Ms. Heffelfinger  
00:29:30 Chairman Himmelberger  
00:29:37 Ms. Heffelfinger  
00:29:50 Rep. Henry  
00:31:03 Chairman Himmelberger  
00:31:18 Rep. Phillips  
00:31:24 Chairman Himmelberger

**EXHIBIT (sth68a03)**

00:32:03 Rep. Phillips  
00:32:13 Rep. Jones  
00:32:47 Rep. Phillips  
00:32:58 Rep. Dickenson  
00:33:23 Ms. Heffelfinger  
00:33:59 Rep. Dickenson  
00:35:04 Rep. McNutt  
00:35:25 Chairman Himmelberger  
00:36:11 Rep. Phillips  
00:36:34 Ms. Heffelfinger  
00:37:11 Rep. McNutt  
00:38:10 Rep. Ankney  
00:38:24 Rep. Malcolm  
00:38:29 Rep. Phillips  
00:39:03 Ms. Heffelfinger

00:39:28 **Vote:** Motion that **SB 489 BE AMENDED** carried by voice vote, 17-1. Rep. Jones voted no. Reps. Sales, Olson and Barrett voted by proxy.

00:40:31 **Motion:** Rep. McNutt moved that **SB 489 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:41:01 Rep. Dickenson  
00:41:16 Rep. Jones  
00:41:45 Chairman Himmelberger  
00:42:42 Rep. Hendrick  
00:42:56 Rep. Wilmer  
00:43:45 Rep. McNutt

00:45:25 Chairman Himmelberger  
00:45:31 Rep. McNutt  
00:45:35 Rep. Jones  
00:46:35 Chairman Himmelberger  
00:46:41 Rep. Jones  
00:47:19 Ms. Heffelfinger  
00:48:18 Rep. Malcolm  
00:48:57 Rep. Wilmer  
00:49:35 Rep. Malcolm  
00:49:44 Rep. Wilmer  
00:50:09 Rep. Malcolm  
00:50:27 Rep. McNutt  
00:51:24 Rep. Malcolm  
00:51:46 Rep. Jones  
00:52:24 Rep. Wilmer  
00:52:53 Chairman Himmelberger

00:53:13 **Vote:** Motion that **SB 489 BE CONCURRED IN AS AMENDED** carried by roll call vote, 16-2. Reps. Caferro and Jones voted no. Reps. Sales, Olson and Barrett voted by proxy. Rep. McNutt will carry the bill.

00:54:52 Break  
01:10:49 Reconvene

**EXECUTIVE ACTION ON SB 497**

01:11:07 **Motion:** Rep. Jacobson moved that **SB 497 BE CONCURRED IN.**

**Discussion:**

01:11:21 Rep. Henry  
01:13:10 Rep. McNutt  
01:13:35 Rep. Henry  
01:14:02 Ms. Heffelfinger  
01:15:06 Rep. Caferro  
01:15:10 Ms. Heffelfinger  
01:15:26 Chairman Himmelberger

01:15:34 **Motion:** Rep. Caferro moved that **SB 497 BE AMENDED.**  
**EXHIBIT (sth68a04)**

**Discussion:**

01:16:17 Rep. Caferro  
01:18:04 Chairman Himmelberger

01:18:14 Ms. Heffelfinger  
01:21:23 Rep. Phillips  
01:22:01 Rep. Caferro  
01:22:45 Rep. Ingraham  
01:23:23 Rep. Wilmer  
01:23:49 Rep. Caferro  
01:24:28 Rep. Ankney  
01:24:46 Rep. Wilmer  
01:25:17 Rep. Henry  
01:26:00 Rep. Malcolm  
01:27:48 Rep. Caferro  
01:28:41 Rep. Malcolm

01:29:09 **Vote:** Motion that **SB 497 BE AMENDED** failed by roll call vote, 9-9. Reps. Jacobson, Branae, Caferro, Dickenson, Henry, Jones, Phillips, Small-Eastman and Wilmer voted aye. Reps. Sales, Barrett and Olson voted by proxy.

**Discussion:**

01:31:21 Chairman Himmelberger  
01:32:10 Rep. Hendrick  
01:32:34 Chairman Himmelberger  
01:33:08 Rep. Hendrick  
01:33:23 Rep. Wilmer  
01:33:57 Chairman Himmelberger  
01:34:31 Rep. Wilmer  
01:34:44 Rep. Henry  
01:36:41 Rep. Phillips  
01:37:04 Rep. Ankney  
01:37:47 Rep. Henry  
01:38:12 Rep. Jones  
01:38:48 Chairman Himmelberger  
01:40:08 Rep. McNutt  
01:40:36 Rep. Malcolm  
01:40:58 Rep. Henry  
01:41:38 Ms. Heffelfinger  
01:44:42 Rep. Ankney  
01:45:08 Chairman Himmelberger  
01:45:18 Rep. McNutt  
01:45:40 Rep. Caferro  
01:45:59 Rep. Small-Eastman  
01:47:16 Rep. Henry  
01:47:56 Rep. Caferro  
01:48:15 Ms. Heffelfinger

01:48:35 **Motion:** Rep. Henry moved that **SB 497 BE AMENDED**.

01:50:18 **Motion/Vote:** Rep. Dickenson moved that **PARAGRAPH 6, EXHIBIT 4, BE SEGREGATED OUT** carried by roll call vote, 17-1. Rep. Sales voted no. Reps. Sales, Barrett and Olson voted by proxy.

01:54:40 **Motion/Vote:** Rep. Henry moved that **PARAGRAPH 3, EXHIBIT 4, BE SEGREGATED OUT** carried by voice vote, 17-1. Rep. Sales voted no. Reps. Sales, Barrett and Olson voted by proxy.

01:56:14 **Motion:** Rep. Caferro moved that **PARAGRAPHS 1, 2 and 4, EXHIBIT 4, BE ADOPTED.**

**Discussion:**

01:56:30 Chairman Himmelberger

01:57:03 Rep. Caferro withdrew her motion

01:58:24 **Motion/Vote:** Rep. Caferro moved that **PARAGRAPHS 1 and 2 BE ADOPTED** carried by voice vote, 17-1. Rep. Sales voted no. Reps. Sales, Barrett and Olson voted by proxy.

**Discussion:**

01:59:02 Rep. Small-Eastman

02:00:07 Rep. McNutt

02:00:14 Rep. Small-Eastman

02:00:22 Chairman Himmelberger

02:00:34 Rep. Small-Eastman

02:00:41 **Motion:** Rep. Small-Eastman moved that **A CONCEPTUAL AMENDMENT TO PARAGRAPH 5, EXHIBIT 4,** to strike, "Commission in consultation with the."

**Discussion:**

02:01:04 Chairman Himmelberger

02:01:43 Rep. Phillips

02:02:20 **Vote:** Motion that **A CONCEPTUAL AMENDMENT TO PARAGRAPH 5, EXHIBIT 4** carried by voice vote, 17-1. Rep. Sales voted no. Reps. Sales, Barrett and Olson voted by proxy.

**Discussion:**

02:02:38 Ms. Heffelfinger  
02:03:01 Rep. Small-Eastman  
02:03:28 Rep. Ankney

02:03:47 **Vote:** Motion that **SB 497 BE CONCURRED IN AS AMENDED** carried by voice vote, 17-1. Rep. Sales voted no. Reps. Sales, Olson and Barrett voted by proxy. Rep. Sands will carry the bill.

**EXECUTIVE ACTION ON SB 509**

02:05:31 **Motion:** Rep. Phillips moved that **SB 509 BE CONCURRED IN.**

02:05:49 **Motion:** Rep. Phillips moved that **SB 509 BE AMENDED.**  
[EXHIBIT \(sth68a05\)](#)

**Discussion:**

02:06:14 Rep. Phillips  
02:07:00 Rep. Dickenson  
02:07:59 Chairman Himmelberger  
02:08:05 Ms. Heffelfinger

02:08:50 **Vote:** Motion that **SB 509 BE AMENDED** carried unanimously by voice vote, 18-0. Reps. Sales, Wilmer, Olson and Barrett voted by proxy.

02:09:23 **Motion:** Rep. Phillips moved that **SB 509 BE CONCURRED IN AS AMENDED.**

02:09:55 **Motion/Vote:** Motion **TO AMEND SB 509** carried unanimously by voice vote, 18-0. Reps. Sales, Wilmer, Olson and Barrett voted by proxy.

[EXHIBIT \(sth68a06\)](#)

**Discussion:**

02:10:56 Rep. Dickenson  
02:13:11 Rep. Hendrick  
02:14:23 Rep. Ankney  
02:15:22 Rep. Phillips  
02:15:39 Chairman Himmelberger  
02:15:48 Ms. Heffelfinger  
02:16:45 Chairman Himmelberger

02:16:56 Ms. Heffelfinger

02:17:32 Rep. McNutt

02:17:43 **Vote:** Motion that **SB 509 BE CONCURRED IN AS AMENDED** failed by roll call vote, 7-11. Reps. Jacobson, Branae, Caferro, Henry, Jones, Phillips and Wilmer voted aye. Reps. Sales, Wilmer, Olson and Barrett voted by proxy.

02:19:04 **Substitute Motion/Vote:** Rep. McNutt made a substitute motion that **SB 509 BE TABLED**. Substitute motion carried unanimously by voice vote, 18-0. Reps. Sales, Wilmer, Olson and Barrett voted by proxy.

**Additional Discussion Regarding Pension Bills:**

02:20:08 Chairman Himmelberger

02:20:15 **Motion/Vote:** Rep. Dickenson moved to recommend a committee study resolution bill on the pension bills. Motion carried by voice vote, 17-1. Rep. Caferro voted no. Reps. Sales, Wilmer, Olson and Barrett voted by proxy.

**Discussion:**

02:21:02 Ms. Heffelfinger

02:21:08 Rep. Phillips

**Additional Exhibits:**

Document pertaining to HB 562, Hearing date 02/08/07

**[EXHIBIT \(sth68a07\)](#)**

**ADJOURNMENT**

02:21:49 Adjournment

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REP. DENNIS HIMMELBERGER, Chairman

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DEE BARFKNECHT, Secretary

DH/db

Additional Exhibits:

**EXHIBIT ([sth68aad.pdf](#))**