

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chairman Dennis Himmelberger, on February 20, 2009
at 8:00 A.M., in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Dennis Himmelberger, Chairman (R)
Rep. Jesse O'Hara, Vice Chairman (R)
Rep. Russell Bean (R)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Dee Brown (R)
Rep. Gordon R. Hendrick (R)
Rep. Pat Ingraham (R)
Rep. Gary MacLaren (R)
Rep. Mike Phillips (D)
Rep. Kendall Van Dyk (D)
Rep. Ted Washburn (R)

Members Excused: None

Members Absent: Rep. Sue Dickenson, Vice Chairman (D)
Rep. Tony Belcourt (D)
Rep. Mary Caferro (D)
Rep. Betsy Hands (D)
Rep. Sue Malek (D)
Rep. Franke Wilmer (D)

Staff Present: Sheri Heffelfinger, Legislative Branch
Marshall McEwen, Committee Secretary

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: HB 590, HB 591, HB 602, HB 613,
HB 626, 2/13/2009

Executive Action: HB 576, HB 358, HB 594, HB 471,
Hb 556, HB 622, HJ 27, HB 602,
HB 613, HB 289, HB 626

00:02:49 Rep. Dickenson, Rep. Caferro, and Rep. Malek entered
the room.

HEARING ON HB 613

Opening Statement by Sponsor:

00:03:03 Rep. Scott Sales (R), HD 68, opened the hearing on
HB 613, Revise rules for determining residency for
election purposes.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:05:21 Rep. Phillips
00:05:54 Rep. Sales
00:06:09 Rep. Phillips
00:06:17 Ms. Heffelfinger
00:06:29 Chairman Himmelberger
00:06:36 Rep. Van Dyk
00:07:09 Rep. Sales
00:07:15 Chairman Himmelberger

Closing by Sponsor:

00:07:21 Rep. Sales
00:07:23 Chairman Himmelberger
00:07:32 Rep. Hands entered the room.

HEARING ON HB 626

Opening Statement by Sponsor:

00:07:41 Rep. Jeffery Welborn (R), HD 72, opened the hearing on
HB 626, Revise transfer from local police retirement
plan to statewide system.
00:08:29 Rep. Phillips exited the room.

Proponents' Testimony:

00:08:57 Tom Schneider, Montana Public Employees' Retirement
Association
00:09:34 Roxanne Minnehan, Executive Director, Montana Public
Employees' Retirement Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:10:05 Rep. Brown
00:10:25 Ms. Minnehan
00:10:46 Rep. Bean
00:10:56 Ms. Minnehan
00:11:14 Chairman Himmelberger

Closing by Sponsor:

00:11:35 Rep. Welborn
00:11:51 Chairman Himmelberger

HEARING ON HB 602

Opening Statement by Sponsor:

00:12:06 Rep. Jill Cohenour (D), HD 78, opened the hearing on
HB 602, Restrict distance of commuting in state
vehicle.

EXHIBIT(sth40a01)

00:13:22 Rep. Hands exited the room.

Proponents' Testimony:

00:17:50 Rep. Dee Brown, HD 3, Hungry Horse

Opponents' Testimony:

00:19:38 Mike Batista, Administrator, Division of Criminal
Investigation, Department of Justice
00:21:23 Rep. Hands and Rep. Phillips entered the room.
00:27:30 Jessie Luther, Association of Montana Troopers

Informational Testimony: None

Questions from Committee Members and Responses:

00:28:23 Rep. Ingraham
00:28:58 Rep. Cohenour
00:30:45 Rep. Brown
00:31:15 Mr. Batista
00:31:24 Rep. Brown
00:31:49 Mr. Batista
00:31:58 Rep. Brown
00:32:05 Rep. O'Hara
00:32:24 Mr. Batista
00:33:15 Rep. Washburn
00:34:18 Mr. Batista
00:34:58 Rep. Washburn
00:35:03 Chairman Himmelberger
00:35:14 Rep. Bean
00:35:32 Rep. Cohenour
00:35:58 Rep. Bean
00:36:07 Rep. Cohenour
00:36:18 Rep. Dickenson
00:37:22 Rep. Cohenour
00:38:41 Chairman Himmelberger

Closing by Sponsor:

00:38:44 Rep. Cohenour
00:40:20 Chairman Himmelberger
00:40:25 Rep. Phillips and Rep. MacLaren exited the room.
00:41:09 Rep. Belcourt entered the room.

EXECUTIVE ACTION ON HB 576

00:42:53 **Motion:** Rep. Brown moved that **HB 576 DO PASS.**

Discussion:

00:43:00 Chairman Himmelberger
00:43:23 Rep. Brown
00:44:02 Rep. Van Dyk

00:44:35 **Motion:** Rep. Boniek moved that **HB 576 BE AMENDED.**
EXHIBIT(sth40a02)

Discussion:

00:44:57 Chairman Himmelberger
00:45:16 Rep. Boniek
00:45:32 Rep. Caferro
00:45:41 Rep. Phillips entered the room.
00:45:52 Rep. Boniek
00:46:17 Rep. Caferro
00:46:26 Rep. Washburn
00:46:42 Rep. Hands
00:47:33 Rep. Boniek
00:48:14 Rep. Brown
00:48:17 Rep. Van Dyk exited the room.

00:48:54 **Vote:** Motion carried 10-7 by voice vote with Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Malek, Rep. Phillips, and Rep. Wilmer voting no. Rep. Van Dyk and Rep. Wilmer voted by proxy. Rep. MacLaren did not have his vote recorded.

00:50:01 **Motion:** Rep. O'Hara moved that **HB 576 DO PASS AS AMENDED.**

Discussion:

00:50:06 Chairman Himmelberger
00:50:09 Rep. O'Hara
00:50:36 Chairman Himmelberger
00:52:33 Rep. Hands
00:52:50 Rep. Van Dyk entered the room.
00:52:53 Rep. Phillips
00:53:16 Rep. Malek
00:53:52 Chairman Himmelberger
00:53:57 Rep. Van Dyk
00:54:32 Rep. Brown
00:55:09 Chairman Himmelberger

00:55:13 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bean, Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Hendrick, Rep. Ingraham, Rep. Van Dyk, and Rep. Washburn voting aye. Rep. MacLaren and Rep. Wilmer voted by proxy.

00:56:33 Chairman Himmelberger

00:56:39 **Motion/Vote:** Rep. Hands moved that **HB 576 BE TABLED.**
Motion carried 17-1 by voice vote with Rep. Van Dyk
voting no. Rep. MacLaren and Rep. Wilmer voted by
proxy.

00:57:07 Rep. Ingraham
00:57:30 Chairman Himmelberger
00:57:51 Rep. Dickenson
00:58:10 Chairman Himmelberger
00:59:00 Chairman Himmelberger asked Vice Chairman O'Hara to
serve as Chair and exited the room.

HEARING ON HB 591

Opening Statement by Sponsor:

00:58:24 Rep. Carolyn Pease-Lopez (D), HD 42, opened the hearing
on HB 591, Require an American Indian member on the
Board of Parole and Pardons.

EXHIBIT(sth40a03)

Proponents' Testimony:

01:01:03 Rep. Tony Belcourt, HD 32, Box Elder
01:01:58 Jennifer Perez-Cole, Coordinator, Indian Affairs,
Governor's Office
01:02:30 Jamee Greer, Montana Human Rights Network
01:02:46 Chairman Himmelberger joined the committee and resumed
his duty as Chairman.
01:03:26 Rep. MacLaren entered the room.
01:04:47 Brodii Dapples, American Association of University
Women; Montana Women's Lobby
01:05:15 Carol Mick, American Association of University of
Women; Montana Women's Lobby
01:06:35 Judith Peasley, Montana Business and Professional Women
01:07:35 Ann Brodsky, Chief Legal Counsel, Governor's Office
01:10:15 Nicole Gray, Montana Coalition Against Domestic and
Sexual Violence
01:10:50 Rep. Gordon Hendrick, HD 14, Superior
01:11:48 Rep. Frosty Boss Ribs, HD 15, Heart Butte
01:12:11 Rep. Sue Malek, HD 98, Missoula
01:12:53 Rep. Margaret Campbell, HD 31, Poplar
01:16:48 Terry Kendrick, Montana Women Vote
01:17:06 Scott Crichton, Executive Director, American Civil
Liberties Union

EXHIBIT(sth40a04)

01:19:59 Christina Davis, Children's Defense Fund

Opponents' Testimony: None

Informational Testimony:

01:21:13 Patti Keebler, Board and Commission Appointments,
Governor's Office
01:21:32 Craig Thomas, Executive Director, Board of Parole and
Pardons

Questions from Committee Members and Responses:

01:22:39 Rep. Hands
01:23:17 Mr. Thomas
01:23:58 Rep. Hands
01:24:10 Mr. Thomas
01:24:24 Rep. Brown
01:24:44 Mr. Thomas
01:25:54 Rep. Dickenson
01:26:24 Rep. Pease-Lopez
01:26:37 Rep. Dickenson
01:26:41 Rep. MacLaren
01:27:05 Mr. Thomas
01:27:47 Chairman Himmelberger

Closing by Sponsor:

01:27:54 Rep. Pease-Lopez
01:28:26 Chairman Himmelberger
01:28:34 Rep. Washburn, Rep. Hendrick, and Rep. Hands exited the
room.

EXECUTIVE ACTION ON HB 358

01:29:33 **Motion:** Rep. Van Dyk moved that **HB 358 DO PASS.**

Discussion:

01:29:36 Chairman Himmelberger
01:29:52 Rep. Brown
01:30:02 Rep. Washburn entered the room.
01:30:24 Chairman Himmelberger

01:30:43 **Vote:** Motion failed 9-9 by roll call vote with Rep.
Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson,
Rep. Hands, Rep. Malek, Rep. Phillips, Rep. Van Dyk,
and Rep. Wilmer voting aye. Rep. Hands, Rep. Hendrick,
and Rep. Wilmer voted by proxy.

01:32:17 **Motion/Vote:** Rep. Brown moved that **HB 358 BE TABLED**. Motion carried 11-7 by voice vote with Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Hands, Rep. Malek, Rep. Phillips, and Rep. Wilmer voting no. Rep. Hands, Rep. Hendrick, and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 594

01:33:03 **Motion:** Rep. Ingraham moved that **HB 594 DO PASS**.

Discussion:

01:33:08 Chairman Himmelberger

01:33:25 Rep. Brown

01:34:35 Rep. Dickenson

01:34:59 Ms. Heffelfinger

01:35:39 Rep. Ingraham

01:36:18 Rep. Wilmer entered the room.

01:36:34 Rep. Malek

01:37:00 Chairman Himmelberger

01:37:50 Rep. O'Hara

01:38:09 **Vote:** Motion failed 8-10 by roll call vote with Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Hendrick, Rep. O'Hara, and Rep. Van Dyk voting aye. Rep. Hands and Rep. Hendrick voted by proxy.

01:39:52 **Motion/Vote:** Rep. Bean moved that **HB 594 BE TABLED**. Motion carried unanimously by voice vote. Rep. Hands and Rep. Hendrick voted by proxy.

01:40:18 Chairman Himmelberger

01:40:25 Rep. Hendrick entered the room.

HEARING ON HB 590

Opening Statement by Sponsor:

01:40:34 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 590, Define domestic partners and establish benefits.

01:45:04 Rep. Hands entered the room.

Proponents' Testimony:

01:45:56 Judith Peasley, Montana Business and Professional Women

01:47:35 Sean Schilke, University of Montana Lambda Lions

01:48:37 Linda Gryczan, Montana Women's Lobby

01:52:29 Alicia Miller, Self
01:53:16 Lucas Hamilton, Associated Students, University of
Montana
01:53:45 Rep. Sue Malek, HD 98, Missoula
01:54:36 Jamee Greer, Montana Human Rights Network
01:54:49 Diane Ehernberger, Montana Women's Lobby; American
Association of University Women
01:55:41 Scott Crichton, Executive Director, American Civil
Liberties Union
01:59:24 Judie Hartz, Montana Business and Professional Women;
Montana Women's Lobby

Opponents' Testimony:

02:00:18 Jeff Laszloffy, President, Montana Family Foundation
02:08:34 Dallas Erickson, Montana Citizens of Decency through
Law

EXHIBIT (sth40a05)

02:13:20 Richard Bennett, Self

EXHIBIT (sth40a06)

02:16:24 Rep. Boniek and Rep. Malek exited the room.
02:17:52 Harris Himes, Pastor, Big Sky Christian Center
02:20:13 Jill Clancy, Montana Eagle Forum
02:20:33 Chairman Himmelberger
02:20:39 Ms. Clancy

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:21:10 Rep. Wilmer
02:24:13 Chairman Himmelberger
02:24:20 Rep. Wilmer
02:24:32 Chairman Himmelberger
02:24:46 Rep. Wilmer
02:24:50 Committee takes a break.
02:46:24 Committee reconvenes. Rep. Malek was not present after
the break.

EXECUTIVE ACTION ON HB 471

02:46:42 **Motion:** Rep. Van Dyk moved that **HB 471 DO PASS.**

Discussion:

02:46:46 Chairman Himmelberger
02:46:48 Rep. Van Dyk

02:48:37 **Substitute Motion/Vote:** Rep. Van Dyk made a substitute motion that **HB 471 BE TABLED**. Substitute motion carried 17-1 by voice vote with Rep. Brown voting no. Rep. Malek voted by proxy.

02:49:08 Chairman Himmelberger

EXECUTIVE ACTION ON HB 556

02:49:45 **Motion:** Rep. MacLaren moved that **HB 556 DO PASS**. **EXHIBIT**(sth40a07)

Discussion:

02:49:52 Chairman Himmelberger
02:50:29 Rep. MacLaren
02:51:21 Rep. O'Hara
02:52:13 Rep. Phillips
02:52:29 Rep. MacLaren
02:52:42 Rep. Phillips
02:52:59 Chairman Himmelberger
02:53:15 Rep. MacLaren
02:53:23 Chairman Himmelberger
02:53:34 Rep. Phillips
02:53:57 Chairman Himmelberger
02:54:03 Rep. Hands
02:54:11 Chairman Himmelberger

02:54:23 Rep. MacLaren moved to withdraw his motion. Motion granted by Chairman Himmelberger.

02:54:37 Chairman Himmelberger

EXECUTIVE ACTION ON HB 622

02:54:52 **Motion:** Rep. Bean moved that **HB 622 DO PASS**.

Discussion:

02:54:56 Chairman Himmelberger
02:54:57 Rep. Van Dyk exited the room.

02:55:32 **Motion:** Rep. Bean moved that **HB 622 BE AMENDED**. **EXHIBIT**(sth40a08)

Discussion:

02:55:42 Chairman Himmelberger

02:56:35 **Vote:** Motion carried unanimously by voice vote. Rep. MacLaren and Rep. Malek voted by proxy.

02:57:05 Chairman Himmelberger

02:57:12 **Motion:** Rep. Bean moved that **HB 622 DO PASS AS AMENDED.**

Discussion:

02:57:18 Chairman Himmelberger

02:57:25 Rep. Ingraham

02:57:36 Rep. MacLaren and Rep. Van Dyk entered the room.

02:57:53 Rep. Dickenson

02:58:24 Chairman Himmelberger

02:58:34 Rep. Dickenson

03:00:05 Rep. Bean

03:00:24 Chairman Himmelberger

03:01:47 Rep. Boniek

03:02:01 Chairman Himmelberger

03:02:52 Rep. Dickenson

03:03:52 Chairman Himmelberger

03:04:29 **Vote:** Motion carried 17-1 by roll call vote with Rep. Boniek voting no. Rep. Malek voted by proxy.

03:05:48 Rep. MacLaren

03:06:17 Rep. Phillips

03:06:23 Chairman Himmelberger

EXECUTIVE ACTION ON HJ 27

03:06:41 **Motion:** Rep. Van Dyk moved that **HJ 27 DO PASS.**

Discussion:

03:06:46 Chairman Himmelberger

03:06:55 Rep. Wilmer

03:07:47 Rep. Brown

03:08:43 Rep. Wilmer

03:09:29 Rep. Boniek

03:10:10 Chairman Himmelberger

03:10:29 Rep. Wilmer

03:11:00 Chairman Himmelberger

03:11:05 Rep. Hands

03:13:01 Chairman Himmelberger

03:13:08 Rep. Boss Ribs

03:13:59 Rep. Washburn

03:14:11 Rep. Hands

03:14:26 **Vote:** Motion carried 11-7 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, and Rep. Washburn voting no. Rep. Malek voted by proxy.

03:15:54 Chairman Himmelberger
03:16:14 Rep. Brown
03:16:30 Rep. Hands
03:16:40 Chairman Himmelberger
03:16:49 Rep. Brown

EXECUTIVE ACTION ON HB 602

03:17:09 **Motion:** Rep. Brown moved that **HB 602 DO PASS.**

03:17:13 **Motion:** Rep. Phillips moved that **HB 602 BE AMENDED.**
EXHIBIT(sth40a09)

Discussion:

03:17:22 Chairman Himmelberger
03:17:51 Rep. Phillips
03:17:58 Ms. Heffelfinger
03:18:34 Chairman Himmelberger
03:18:41 Rep. Caferro
03:18:53 Chairman Himmelberger
03:19:16 Rep. Hands

03:19:22 **Vote:** Motion carried unanimously by voice vote. Rep. Malek voted by proxy.

03:19:39 Chairman Himmelberger

03:19:43 **Motion:** Rep. Brown moved that **HB 602 DO PASS AS AMENDED.**

03:19:51 **Motion:** Rep. Brown moved that **HB 602 BE AMENDED.**

Discussion:

03:20:10 Chairman Himmelberger
03:20:43 Rep. Phillips
03:20:49 Chairman Himmelberger
03:20:54 Rep. Brown
03:21:48 Chairman Himmelberger
03:22:00 Rep. Dickenson
03:23:17 Rep. Boniek
03:23:45 Chairman Himmelberger
03:23:57 Rep. Boniek

03:24:05 Rep. Brown
03:24:14 Chairman Himmelberger

03:24:18 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Malek voted by proxy.

03:25:24 Rep. Brown
03:25:47 Chairman Himmelberger
03:25:55 Rep. Ingraham

03:26:42 **Vote:** Motion carried unanimously by voice vote. Rep. Malek voted by proxy.

03:27:03 Chairman Himmelberger

EXECUTIVE ACTION ON HB 613

03:27:22 **Motion:** Rep. Hendrick moved that **HB 613 DO PASS.**

Discussion:

03:27:26 Chairman Himmelberger
03:27:34 Rep. Hendrick
03:28:10 Rep. Dickenson
03:29:11 Rep. Brown
03:29:30 Chairman Himmelberger
03:30:28 Rep. Phillips
03:30:51 Ms. Heffelfinger

03:31:05 **Vote:** Motion carried 13-5 by voice vote with Rep. Boss Ribs, Rep. Caferro, Rep. Hands, Rep. Phillips, and Rep. Van Dyk voting no. Rep. Malek voted by proxy.

03:31:48 Chairman Himmelberger

EXECUTIVE ACTION ON HB 626

03:32:22 **Motion:** Rep. Washburn moved that **HB 626 DO PASS.**

Discussion:

03:32:27 Chairman Himmelberger
03:32:34 Rep. MacLaren
03:32:51 Chairman Himmelberger
03:32:57 Ms. Heffelfinger
03:34:07 Chairman Himmelberger

03:34:23 Rep. Brown
03:35:07 Rep. Phillips
03:35:34 Rep. Bean
03:35:50 Rep. Brown
03:36:22 Rep. MacLaren
03:36:31 Chairman Himmelberger
03:36:43 Rep. Phillips

03:37:00 **Vote:** Motion failed 4-14 by voice vote with Rep. Caferro, Rep. Ingraham, Rep. MacLaren, and Rep. O'Hara voting aye. Rep. Malek voted by proxy.

03:37:40 Rep. Wilmer
03:38:01 Chairman Himmelberger
03:38:21 Rep. Wilmer
03:38:32 Rep. Brown
03:38:41 Chairman Himmelberger

EXECUTIVE ACTION ON HB 289

03:38:44 **Motion:** Rep. Phillips moved that **HB 289 DO PASS.**

Discussion:

03:38:48 Chairman Himmelberger

03:39:09 **Motion:** Rep. Phillips moved that **HB 289 BE AMENDED.**
EXHIBIT (sth40a10)

Discussion:

03:39:23 Rep. Phillips
03:39:27 Chairman Himmelberger
03:39:35 Rep. Phillips
03:39:55 Chairman Himmelberger

03:40:09 **Vote:** Motion carried unanimously by voice vote. Rep. Malek voted by proxy.

03:40:30 **Motion:** Rep. Phillips moved that **HB 289 DO PASS AS AMENDED.**

Discussion:

03:40:33 Chairman Himmelberger
03:40:39 Rep. Phillips
03:41:02 Chairman Himmelberger
03:41:11 Ms. Heffelfinger
03:41:15 Rep. Phillips

03:41:26 Ms. Heffelfinger
03:41:41 Rep. Phillips
03:41:51 Ms. Heffelfinger
03:42:12 Rep. Phillips

03:42:23 **Motion:** Rep. Phillips moved that **HB 289 BE AMENDED.**
EXHIBIT(sth40a11)

Discussion:

03:42:27 Chairman Himmelberger
03:42:35 Rep. Phillips
03:43:07 Chairman Himmelberger
03:43:27 Rep. Phillips
03:43:57 Rep. Hands
03:44:20 Rep. Phillips
03:44:42 Chairman Himmelberger
03:45:20 Rep. Phillips

03:45:35 Rep. Van Dyk moved to withdraw amendment motion. Motion granted by Chairman Himmelberger.

03:45:41 Chairman Himmelberger
03:45:57 Rep. Phillips
03:46:00 Chairman Himmelberger
03:46:09 Rep. Phillips
03:46:30 Chairman Himmelberger
03:46:35 Rep. O'Hara
03:47:20 Rep. Brown
03:47:38 Rep. Phillips
03:47:43 Rep. Van Dyk

03:47:51 **Vote:** Motion carried 17-1 by voice vote with Rep. Hendrick voting no. Rep. Malek voted by proxy.

03:48:54 Chairman Himmelberger
03:50:48 Rep. Wilmer
03:50:57 Ms. Heffelfinger
03:51:11 Chairman Himmelberger

ADJOURNMENT

03:51:57 Adjournment: 11:51 A.M.

Marshall McEwen, Secretary

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Additional Documents:

EXHIBIT ([sth40aad.pdf](#))