

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
61st LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** Chairman Dennis Himmelberger, on March 5, 2009 at 9:01 A.M., in Room 455 Capitol

**ROLL CALL**

**Members Present:**

Rep. Dennis Himmelberger, Chairman (R)  
Rep. Sue Dickenson, Vice Chairman (D)  
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. Mary Caferro (D)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Mike Phillips (D)  
Rep. Kendall Van Dyk (D)  
Rep. Ted Washburn (R)  
Rep. Franke Wilmer (D)

**Members Excused:** None

**Members Absent:** Rep. Tony Belcourt (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: SB 49, SB 299, 2/25/2009

Executive Action: HB 393, SB 170, SB 240, SB 155,  
HB 421, HB 590

**HEARING ON SB 299**

**Opening Statement by Sponsor:**

00:02:25 Sen. Joseph (Joe) Tropila (D), SD 13, opened the hearing on SB 299, Training and record keeping for notary public.

**Proponents' Testimony:**

00:04:33 Linda McCulloch, Montana Secretary of State

**EXHIBIT (sth49a01)**

00:09:56 Timothy Reiniger, Executive Director, National Notary Association

00:17:43 Belinda Fargher, Executive Director, Montana Notary Association

00:19:11 Linda Stoll, Montana Association of Clerks and Recorders

**Opponents' Testimony:**

00:19:56 Bruce Spencer, Montana Automobile Dealers Association

00:24:38 Rep. Phillips and Rep. Wilmer exited the room.

00:27:35 William Gowen, Montana Land Title Association

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:31:21 Rep. Hands

00:31:50 Mr. Stoll

00:33:55 Rep. Hands

00:34:39 Ms. Fargher

00:38:07 Rep. Ingraham

00:38:32 Ms. Fargher

00:39:19 Rep. Ingraham

00:39:45 Ms. McCulloch

00:41:13 Rep. Bean

00:42:16 Ms. McCulloch

00:42:39 Rep. Bean

00:42:45 Rep. O'Hara

00:43:11 Ms. McCulloch

00:43:58 Rep. Dickenson  
00:45:20 Ms. McCulloch  
00:46:30 Rep. Boniek  
00:46:56 Mr. Spencer  
00:48:02 Rep. Caferro  
00:48:48 Mr. Reiniger  
00:49:44 Rep. Caferro  
00:50:16 Mr. Spencer  
00:50:27 Rep. Ingraham  
00:51:29 Ms. McCulloch  
00:52:33 Rep. MacLaren  
00:52:50 Mr. Reiniger  
00:53:00 Rep. MacLaren  
00:53:05 Mr. Reiniger  
00:53:16 Rep. MacLaren  
00:53:28 Mr. Reiniger  
00:54:32 Rep. MacLaren  
00:54:36 Mr. Reiniger  
00:55:04 Chairman Himmelberger

**Closing by Sponsor:**

00:55:08 Sen. Tropila  
00:55:58 Chairman Himmelberger

**HEARING ON SB 49**

**Opening Statement by Sponsor:**

00:56:41 Sen. David Wanzonried (D), SD 49, opened the hearing on SB 49, Energy efficiency standards for construction of state buildings.

**Proponents' Testimony:**

01:01:25 Ellen Simpson, Montana Wood Products Association  
01:05:22 Jason Todhunter, Montana Logging Association  
01:06:05 Matt Leow, Northern Plains Resource Council

**EXHIBIT (sth49a02)**

01:09:22 Maureen Weiland, Associated Students of Montana State University

**Opponents' Testimony:** None

**Informational Testimony:**

01:10:13 Jim Whaley, Architecture and Engineering Division,  
State of Montana  
01:10:43 Lou Moore, Department of Environment Quality

01:12:47 Joe Lamson, Deputy Director, Department of Naturel  
Resources

**Questions from Committee Members and Responses:**

01:14:10 Rep. Brown  
01:14:42 Mr. Whaley  
01:15:12 Rep. Brown  
01:16:06 Sen. Wanzenried  
01:16:30 Chairman Himmelberger

**Closing by Sponsor:**

01:16:41 Sen. Wanzenried  
**EXHIBIT (sth49a03)**  
01:18:16 Chairman Himmelberger  
01:18:24 Sen. Wanzenried  
01:18:34 Chairman Himmelberger  
  
01:19:01 Rep. Van Dyk  
01:20:24 Chairman Himmelberger  
01:20:33 Rep. Phillips  
01:21:14 Chairman Himmelberger  
  
01:21:24 Committee recesses.  
01:47:23 Committee reconvenes.

**EXECUTIVE ACTION ON HB 393**

01:47:32 **Motion:** Rep. O'Hara moved that **HB 393 DO PASS.**

**Discussion:**

01:47:36 Chairman Himmelberger  
  
01:47:41 **Substitute Motion/Vote:** Rep. O'Hara made a substitute  
motion that **HB 393 BE TABLED.** Substitute motion carried  
unanimously by voice vote. Rep. Belcourt voted by  
proxy.  
  
01:48:33 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 170**

01:48:42 **Motion:** Rep. Ingraham moved that **SB 170 BE CONCURRED  
IN.**

**Discussion:**

01:48:46 Chairman Himmelberger  
01:48:55 Rep. Ingraham  
01:49:33 Chairman Himmelberger

01:49:37 **Motion:** Rep. Brown moved that **SB 170 BE AMENDED.**  
**EXHIBIT (sth49a04)**

**Discussion:**

01:49:59 Chairman Himmelberger  
01:50:12 Rep. Brown  
01:50:37 Rep. Wilmer  
01:51:05 Rep. Malek  
01:51:20 Rep. Brown  
01:51:50 Chairman Himmelberger  
01:52:01 Ms. Heffelfinger, Legislative Services Division  
01:53:42 Rep. Phillips  
01:53:46 Chairman Himmelberger  
01:53:51 Rep. Wilmer

01:54:23 **Vote:** Motion carried unanimously by voice vote. Rep. Belcourt voted by proxy.

01:54:58 Chairman Himmelberger

01:55:04 **Motion/Vote:** Rep. Brown moved that **SB 170 BE CONCURRED IN AS AMENDED.** Motion carried unanimously by voice vote. Rep. Belcourt voted by proxy. Rep. MacLaren will carry the bill in the House.

01:55:34 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 240**

01:55:55 **Motion:** Rep. Ingraham moved that **SB 240 BE CONCURRED IN.**

**Discussion:**

01:56:06 Rep. Ingraham  
01:56:36 Rep. Dickenson  
01:57:35 Rep. Brown  
01:57:37 Rep. Wilmer exited the room.

01:58:38 **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. Belcourt and Rep. Wilmer voted by proxy.

01:58:55 Rep. Wilmer entered the room.

01:59:57 **Motion/Vote:** Rep. Ingraham moved that **SB 240 BE TABLED**. Motion carried 13-4 by voice vote with Rep. Boniek, Rep. Brown, Rep. Hendrick, and Rep. Himmelberger voting no. Rep. Belcourt's vote was not recorded.

02:00:40 Rep. Phillips  
02:00:54 Rep. Van Dyk  
02:01:28 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 155**

02:02:01 **Motion:** Rep. Ingraham moved that **SB 155 BE CONCURRED IN**.

**Discussion:**

02:02:09 Chairman Himmelberger  
02:02:15 Rep. Ingraham  
02:03:16 Rep. Boniek  
02:03:41 Chairman Himmelberger  
02:04:17 Rep. Ingraham  
02:04:59 Chairman Himmelberger  
02:05:12 Rep. Ingraham  
02:06:26 Chairman Himmelberger  
02:06:34 Rep. Ingraham

02:07:55 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, and Rep. Washburn voting no. Rep. Belcourt voted by proxy. Rep. Ingraham will carry the bill in the House.

02:09:03 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 421**

02:09:21 **Motion:** Rep. Brown moved that **HB 421 DO PASS**.

**Discussion:**

02:09:26 Chairman Himmelberger

02:09:38 Rep. Bean  
02:10:09 Rep. Phillips  
02:11:17 Chairman Himmelberger  
02:11:22 Rep. Phillips  
02:12:10 Rep. Bean  
02:12:19 Rep. Hendrick  
02:12:37 Rep. Dickenson

02:14:01 **Motion:** Rep. Hendrick moved that **HB 421 BE AMENDED.**  
**EXHIBIT (sth49a05)**

**Discussion:**

02:14:16 Chairman Himmelberger  
02:14:23 Rep. Hendrick  
02:15:08 Chairman Himmelberger  
02:15:15 Rep. Hendrick  
02:15:35 Chairman Himmelberger  
02:15:48 Ms. Heffelfinger  
02:17:15 Rep. Hendrick

02:17:36 **Vote:** Motion carried 17-1 by voice vote with Rep. Himmelberger voting no. Rep. Belcourt voted by proxy.

02:18:08 **Motion:** Rep. Brown moved that **HB 421 DO PASS AS AMENDED.**

**Discussion:**

02:18:13 Chairman Himmelberger  
02:18:20 Rep. Caferro  
02:18:56 Rep. Phillips  
02:19:00 Rep. Caferro  
02:19:10 Rep. Wilmer  
02:19:21 Rep. Caferro  
02:20:08 Rep. Phillips  
02:20:51 Chairman Himmelberger  
02:21:09 Ms. Heffelfinger  
02:21:20 Rep. Malek  
02:22:11 Rep. Phillips

02:22:52 **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. Belcourt voted by proxy.

02:23:59 **Motion/Vote:** Rep. Hendrick moved that **HB 421 BE TABLED**. Motion carried 15-2 by voice vote with Rep. Bean and Rep. Brown voting no. Rep. Belcourt's vote was not recorded.

02:24:26 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 590**

02:24:32 **Motion:** Rep. Wilmer moved that **HB 590 DO PASS**.

**Discussion:**

02:24:37 Chairman Himmelberger

02:24:44 Rep. Wilmer

02:27:05 Rep. Hands

02:30:27 Rep. Wilmer

02:30:42 Rep. Caferro

02:31:34 Chairman Himmelberger

02:32:19 Rep. Wilmer

02:32:47 Chairman Himmelberger

02:33:28 Rep. Wilmer

02:33:52 Chairman Himmelberger

02:33:59 Rep. Wilmer

02:34:36 Rep. Boniek

02:35:59 Rep. Malek

02:37:40 Rep. Phillips

02:38:36 Rep. Wilmer

02:40:16 **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. Belcourt voted by proxy.

02:41:21 **Motion/Vote:** Rep. Ingraham moved that **HB 590 BE TABLED**. Motion failed 9-9 by voice 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. Belcourt voted by proxy.

02:42:22 Chairman Himmelberger

02:43:17 Ms. Heffelfinger

02:43:55 Rep. Brown

02:43:58 Chairman Himmelberger

02:44:12 **Motion:** Rep. Brown moved to **INTRODUCE LC 2311** requesting that an appropriate interim or statutory committee be designated to study wildland fire suppression.

**Discussion:**

02:44:27 Chairman Himmelberger

02:44:35 Rep. Phillips

02:45:34 Rep. Brown

02:46:20 Rep. Van Dyk

02:46:47 Chairman Himmelberger

02:47:32 Ms. Heffelfinger

02:47:56 Chairman Himmelberger

02:48:03 Rep. Brown withdrew her motion to introduce LC 2311.

02:48:11 Chairman Himmelberger

02:48:45 Rep. Wilmer

02:49:16 Rep. Boniek

02:49:44 Rep. Phillips

02:50:16 Chairman Himmelberger

02:50:41 Rep. Brown

02:50:56 Chairman Himmelberger

02:52:28 Rep. Brown

02:52:38 Rep. Washburn

02:52:46 Chairman Himmelberger

**ADJOURNMENT**

02:53:14 Adjournment: 11:54 a.m.

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Marshall McEwen, Secretary

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**Additional Exhibits**

**EXHIBIT (sth49a06)** Testimony on SB 49

**EXHIBIT (sth49a07)** Unofficial Draft Copy of LC 2311

Additional Documents:

**EXHIBIT (sth49aad.pdf)**