

## MINUTES

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

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chairman Dennis Himmelberger, on March 6, 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. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Ted Washburn (R)

**Members Excused:** Rep. Dee Brown (R)  
Rep. Franke Wilmer (D)

**Members Absent:** Rep. Tony Belcourt (D)  
Rep. Mary Caferro (D)  
Rep. Mike Phillips (D)  
Rep. Kendall Van Dyk (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 20, SB 331, SB 391, 3/2/2009

Executive Action: SB 391, SB 331, SB 49, SB 243,  
SB 196

**HEARING ON SB 391**

**Opening Statement by Sponsor:**

00:01:25 Sen. John Brueggeman (R), SD 6, opened the hearing on SB 391, Revise provisions on candidate withdrawal before primary.

00:02:34 Rep. Caferro, Rep. Brown, and Belcourt entered the room.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:02:58 Sen. Brueggeman

00:03:00 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 391**

00:03:21 **Motion/Vote:** Rep. Hendrick moved that **SB 391 BE TABLED.**  
Motion carried unanimously by voice vote.

**HEARING ON SB 331**

**Opening Statement by Sponsor:**

00:03:48 Sen. Joe Balyeat (R), SD 34, opened the hearing on SB 331, Revise laws on criminal use of official position.

**EXHIBIT** (sth50a01)

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:07:54 Rep. Dickenson  
00:08:20 Sen. Balyeat  
00:09:10 Rep. Ingraham  
00:09:31 Sen. Balyeat  
00:11:01 Chairman Himmelberger

**Closing by Sponsor:**

00:11:04 Sen. Balyeat  
00:11:14 Rep. Phillips entered the room.  
00:11:31 Chairman Himmelberger

**HEARING ON SB 20**

**Opening Statement by Sponsor:**

00:11:40 Sen. Larry Jent (D), SD 32, opened the hearing on  
SB 20, Purpose statement for MAPA.

**Proponents' Testimony:**

00:17:48 Ann Brodsky, Chief Legal Counsel, Governor's Office  
00:22:31 Mark Cadwallader, Staff Attorney, Montana Department  
of Labor and Industry

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:23:03 Rep. Brown  
00:23:50 Sen. Jent  
00:25:58 Chairman Himmelberger

**Closing by Sponsor:**

00:26:02 Sen. Jent  
00:26:05 Rep. Phillips exited the room.  
00:27:01 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 331**

00:29:44 **Motion/Vote:** Rep. Brown moved that **SB 331 BE CONCURRED  
IN.** Motion carried unanimously by voice vote. Rep.  
Phillips, Rep. Van Dyk, and Rep. Wilmer voted by proxy.  
Rep. MacLaren will carry the bill in the House.

00:30:28 Chairman himmelberger

**EXECUTIVE ACTION ON SB 49**

00:31:49 **Motion:** Rep. Ingraham moved that **SB 49 BE CONCURRED IN.**

**Discussion:**

00:31:52 Chairman Himmelberger

00:32:01 Rep. Brown

00:33:20 **Motion:** Rep. Ingraham moved that **SB 49 BE AMENDED.**

**EXHIBIT (sth50a02)**

**Discussion:**

00:33:59 Chairman Himmelberger

00:34:09 Rep. Phillips entered the room.

00:34:18 Rep. Washburn

00:34:40 Chairman Himmelberger

00:34:45 Rep. Washburn

00:35:00 Ms. Heffelfinger, Legislative Services Division

00:35:46 **Vote:** Motion carried unanimously by voice vote. Rep. Van Dyk and Rep. Wilmer voted by proxy.

00:36:09 **Motion:** Rep. Ingraham moved that **SB 49 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:36:15 Chairman Himmelberger

00:37:03 Ms. Heffelfinger

00:37:31 Chairman Himmelberger

00:37:57 Rep. Phillips

00:38:48 Rep. Brown

00:39:17 Rep. Dickenson

00:40:15 Rep. Ingraham

00:41:32 Chairman Himmelberger

00:42:25 Rep. Hands

00:46:49 Rep. Brown

00:47:45 Rep. Boniek

00:48:42 Rep. Hands

00:50:16 **Vote:** Motion carried 17-1 by voice vote with Rep. Ingraham voting no. Rep. Van Dyk and Rep. Wilmer voted by proxy. Rep. Hands will carry the bill in the House.

00:50:40 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 243**

00:51:08 **Motion:** Rep. Belcourt moved that **SB 243 BE CONCURRED IN.**

**Discussion:**

00:51:12 Chairman Himmelberger  
00:51:35 Rep. Hands exited the room.  
00:51:40 Rep. Philips  
00:54:35 Chairman Himmelberger  
00:55:09 Rep. Phillips  
00:57:23 Chairman Himmelberger  
00:57:39 Rep. Washburn  
00:58:53 Rep. Boniek  
00:59:17 Chairman Himmelberger  
00:59:30 Rep. O'Hara  
01:00:18 Rep. Dickenson  
01:01:42 Rep. Brown  
01:02:08 Rep. Phillips  
01:03:04 Chairman Himmelberger

01:03:09 **Vote:** Motion failed 7-11 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. MacLaren, and Rep. Washburn voting aye. Rep. Hands, Rep. Van Dyk, and Rep. Wilmer voted by proxy.

01:04:12 Chairman Jopek

01:04:16 **Motion/Vote:** Rep. Malek moved that **SB 243 BE TABLED.** Motion carried 16-2 by voice vote with Rep. Malek voting no. Rep. Hands, Rep. Van Dyk, and Rep. Wilmer voted by proxy.

01:04:48 Rep. Dickenson  
01:05:07 Chairman Himmelberger

**EXECUTIVE ACTION ON SB 196**

01:05:22 **Motion:** Rep. Belcourt moved that **SB 196 BE CONCURRED IN.**

**Discussion:**

01:05:26 Chairman Himmelberger  
01:05:43 Rep. Belcourt  
01:06:29 Rep. Brown  
01:07:09 Rep. Bean

01:07:33 Rep. Boss Ribs  
01:07:53 Rep. Ingraham  
01:10:03 Rep. Malek  
01:11:32 Rep. Phillips exited the room.  
01:11:52 Rep. Belcourt  
01:13:31 Rep. Boniek  
  
01:14:29 **Vote:** Motion carried 11-7 by roll call vote with Rep. Bean, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, and Rep. O'Hara voting no. Rep. Hands, Rep. Philips, Rep. Van Dyk, and Rep. Wilmer voted by proxy. Rep. Belcourt will carry the bill in the House.

**Committee Discussion:**

01:15:44 Chairman Himmelberger  
01:15:50 Rep. Phillips entered the room.  
01:16:25 Ms. Heffelfinger  
01:16:27 Rep. Caferro and Rep. O'Hara exited the room.  
01:16:44 Rep. Brown  
01:16:55 Rep. Malek  
01:17:04 Chairman Himmelberger  
01:17:23 Rep. Brown  
01:17:30 Chairman Himmelberger  
01:17:56 Rep. Brown  
01:18:29 Chairman Himmelberger  
01:18:50 Rep. Ingraham  
01:18:57 Chairman Himmelberger  
  
01:19:16 **Motion/Vote:** Rep. Ingraham moved to introduce LC 2311 requesting that an appropriate interim or statutory committee be designated to study wildland fire suppression. Motion carried unanimously by voice vote. Rep. Caferro, Rep. Hands, Rep. Phillips, Rep. Van Dyk, and Rep. Wilmer voted by proxy.  
  
01:20:07 Chairman Himmelberger  
01:20:16 Ms. Heffelfinger  
01:20:39 Rep. Ingraham  
01:20:52 Ms. Heffelfinger  
01:22:03 Chairman Himmelberger  
01:23:02 Rep. Malek  
01:23:08 Chairman Himmelberger  
01:23:26 Rep. Ingraham  
01:23:55 Chairman Himmelberger  
01:24:23 Ms. Heffelfinger  
01:25:23 Rep. Brown  
01:25:38 Chairman Himmelberger  
01:26:08 Rep. Malek

01:26:37 Ms. Heffelfinger  
01:28:26 Rep. Malek  
01:28:54 Chairman Himmelberger  
01:29:12 Rep. Brown  
01:29:38 Chairman Himmelberger  
01:30:40 Rep. Dickenson  
01:31:01 Chairman Himmelberger  
01:31:43 Rep. Dickenson  
01:32:17 Ms. Heffelfinger  
01:33:04 Chairman Himmelberger  
01:33:07 Rep. Bean  
01:33:16 Chairman Himmelberger  
01:33:52 Ms. Heffelfinger  
01:34:20 Chairman Himmelberger

**ADJOURNMENT**

01:34:57 Adjournment: 10:36 a.m.

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Marshall McEwen, Secretary

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**Additional Exhibits:**

**[EXHIBIT\(sth50a03\)](#)** Unofficial Draft Copy of LC 2311

**[EXHIBIT\(sth50a04\)](#)** Information Pertaining to SB 187

**[EXHIBIT\(sth50a05\)](#)** Information Pertaining to SB 187 from John  
MacMaster

Additional Documents:

**[EXHIBIT\(sth50aad.pdf\)](#)**