

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Pat Ingraham, on February 17, 2011 at 8:00 AM, in Room 455 Capitol

ROLL CALL

Members Present:

Rep. Pat Ingraham, Chairman (R)
Rep. Gerald (Jerry) Bennett, Vice Chairman (R)
Rep. Franke Wilmer, Vice Chairman (D)
Rep. Bryce Bennett (D)
Rep. Joanne G. Blyton (R)
Rep. Pat Connell (R)
Rep. Betsy Hands (D)
Rep. Douglas (Doug) Kary (R)
Rep. Dan Kennedy (R)
Rep. Gary MacLaren (R)
Rep. Jean Price (D)
Rep. Derek Skees (R)
Rep. Frank Smith (D)
Rep. Kathy Swanson (D)
Rep. Ted Washburn (R)

Members Excused: Rep. Gordon R. Hendrick (R)
Rep. James Knox (R)
Rep. Tom McGillvray (R)

Members Absent: None

Staff Present: Sheri Scurr, Legislative Branch
Tim Stark, 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 543, 2/15/2011; HB545, 2/15/2011; HB 556, 2/15/2011; HB 557, 2/15/2011
Executive Action: HB 404 HB 418 HB 431 HB 444 HB 484 HB 528 HB 530 HB 242

HEARING ON HB 556

Opening Statement by Sponsor:

00:02:25 Rep. Ryan Osmundson (R), HD 29, opened the hearing on HB 556, Revise laws relating to enforcement of ethics and campaign practices.

Proponents' Testimony:

00:06:41 Rep. Dave Howard
00:08:00 William Biernat, Montanans in Action (MIA)
00:09:40 Brad Molnar, Billings, Montana
00:13:09 Jim Brown, Dillion, Montana

Opponents' Testimony:

00:16:06 Jennifer Hensley, Office of Political Practices (OPP)
[EXHIBIT\(sth39a01\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:56 Rep. Ted Washburn
00:28:21 Rep. Ryan Osmundson
00:29:20 Rep. Betsy Hands
00:30:14 Jennifer Hensley
00:33:22 Rep. Betsy Hands
00:33:54 Jennifer Hensley

Closing by Sponsor:

00:35:52 Rep. Ryan Osmundson

HEARING ON HB 543

Opening Statement by Sponsor:

00:38:13 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 543, Revise 2-4-307, MCA, regarding material adopted by reference.

Proponents' Testimony:

00:43:46 Candace West, Department of Natural Resources
00:44:41 Mark Cadwallader, Department of Labor (DOL)
00:47:24 John Metrolpoluis, A.W.A.R.E

Opponents' Testimony:

00:50:59 Justin Kraske, Montana Public Service Commission (PSC)

Informational Testimony: None

Questions from Committee Members and Responses:

00:53:29 Rep. Franke Wilmer
00:54:07 Rep. Steve Fitzpatrick
00:54:42 Rep. Franke Wilmer
00:55:13 Rep. Steve Fitzpatrick

Closing by Sponsor:

00:55:47 Rep. Steve Fitzpatrick

HEARING ON HB 545

Opening Statement by Sponsor:

00:56:54 Rep. Joe Read (R), HD 15, opened the hearing on HB 545, Create study committee to design manual of emergency preparedness.

EXHIBIT(sth39a02)

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:00:16 Rep. Pat Connell
01:01:08 Rep. Joe Read
01:06:10 Rep. Pat Connell
01:06:45 Rep. Joe Read
01:06:58 Rep. Franke Wilmer
01:07:05 Rep. Joe Read
01:08:10 Rep. Franke Wilmer
01:08:28 Rep. Joe Read
01:09:25 Rep. Dan Kennedy
01:09:53 Rep. Joe Read
01:10:20 Rep. Dan Kennedy
01:10:32 Rep. Joe Read
01:12:22 Rep. Dan Kennedy
01:12:33 Rep. Joe Read
01:13:00 Rep. Dan Kennedy
01:13:05 Rep. Joe Read

Closing by Sponsor:

01:13:11 Rep. Joe Read

HEARING ON HB 557

Opening Statement by Sponsor:

01:15:31 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 557, Allow political parties to support and oppose judicial candidates.

[EXHIBIT\(sth39a03\)](#)

[EXHIBIT\(sth39a04\)](#)

[EXHIBIT\(sth39a05\)](#)

Proponents' Testimony: None

Opponents' Testimony:

01:22:27 Ed Bartlett, Montana Judges Association

01:23:24 Mary Phippen, Montana Magistrate Association

[EXHIBIT\(sth39a06\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:26:46 Rep. Derek Skees

01:27:51 Ed Bartlett

01:28:42 Rep. Franke Wilmer

01:30:10 Rep. Dan Kennedy

01:30:18 Rep. Franke Wilmer

01:30:45 Rep. Jerry O'Neil

01:31:44 Rep. Franke Wilmer

01:32:01 Rep. Pat Connell

01:32:25 Rep. Jerry O'Neil

Closing by Sponsor:

01:33:12 Rep. Jerry O'Neil

Committee Business:

01:33:32 Rep. Betsy Hands

EXECUTIVE ACTION ON HB 278

02:00:57 Previously Acted on 2/16/2011
Motion/Vote: Rep. Wilmer moved to **RECONSIDER THE MOTION** on **HB 278**. Motion carried 11-7 by roll call vote with Rep. Connell, Rep. Hendrick, Rep. Ingraham, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting no. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:02:14 Sheri Scurr
02:02:33 Rep. Pat Ingraham

02:04:16 **Motion:** Rep Wilmer moved that **HB 278 DO NOT PASS.**

Discussion:

02:04:30 Rep. Dan Kennedy
02:04:51 Rep. Bryce Bennett

02:05:13 **Substitute Motion/Vote:** Rep. B. Bennett made a substitute motion to **TABLE HB 278**. Substitute Motion failed 9-9 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Kary, Rep. MacLaren, Rep. Price, Rep. Smith, Rep. Swanson, Rep. Washburn and Rep. Wilmer voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

Discussion:

02:07:26 Sheri Scurr
02:07:49 Rep. Derek Skees
02:08:03 Sheri Scurr

02:09:01 **Substitute Motion:** Rep. Kennedy moved that **HB 278 DO PASS AS AMENDED.**

Discussion:

02:09:05 Rep. Betsy Hands
02:09:41 Rep. Pat Ingraham
02:10:37 Rep. Derek Skees

02:11:22 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bennett, Rep. Blyton, Rep. Connell, Rep. Hendrick, Rep. Ingraham, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 404

02:12:57 **Motion:** Rep. G. Bennett moved that **HB 404 DO PASS.**

Discussion:

02:13:13 Sheri Scurr
02:13:31 Rep. Franke Wilmer

02:16:22 **Motion:** Rep. Washburn moved that **HB 404 BE AMENDED.**

Discussion:

02:17:43 Sheri Scurr
02:18:35 Rep. Douglas Kary
02:18:48 Rep. Franke Wilmer
02:19:09 Rep. Douglas Kary
02:19:18 Sheri Scurr
02:20:06 Rep. Frank Smith
02:20:21 Sheri Scurr
02:20:29 Rep. Frank Smith
02:20:34 Sheri Scurr

02:20:49 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:21:29 **Motion:** Rep. G. Bennett moved that **HB 404 DO PASS AS AMENDED.**
EXHIBIT(sth39a07)

Discussion:

02:21:41 Rep. Pat Connell
02:22:13 Rep. Franke Wilmer
02:23:24 Rep. Joanne Blyton
02:23:47 Rep. Franke Wilmer
02:24:49 Rep. Ted Washburn

02:26:46 **Vote:** Motion failed 4-14 by roll call vote with Rep. Bennett, Rep. Blyton, Rep. Connell and Rep. Ingraham voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:26:53 **Motion/Vote:** Rep. G. Bennett moved that **HB 404 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 418

02:27:10 **Motion/Vote:** Rep. G. Bennett moved that **HB 418 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 431

02:28:54 **Motion:** Rep. G. Bennett moved that **HB 431 DO PASS.**

02:29:32 **Motion:** Rep. Ingraham moved that **HB 431 BE AMENDED.**
EXHIBIT(sth39a08)

Discussion:

02:30:18 Rep. Kathy Swanson

02:31:02 Rep. Pat Ingraham

02:31:17 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:31:40 **Motion:** Rep. G. Bennett moved that **HB 431 DO PASS AS AMENDED.**

Discussion:

02:31:51 Rep. Frank Smith

02:32:23 Rep. Jean Price

02:32:59 Rep. Bryce Bennett

02:33:32 **Vote:** Motion carried 10-8 by roll call vote with Rep. Bennett, Rep. Hands, Rep. McGillvray, Rep. Price, Rep. Smith, Rep. Swanson, Rep. Washburn and Rep. Wilmer voting no.

EXECUTIVE ACTION ON HB 444

02:35:15 **Motion:** Rep. G. Bennett moved that **HB 444 DO PASS.**

02:36:33 **Motion:** Rep. Skees moved that **HB 444 BE AMENDED.**
EXHIBIT(sth39a09)

Discussion:

02:37:43 Rep. Pat Ingraham

02:38:04 Rep. Derek Skees

02:40:26 Sheri Scurr

02:41:13 Rep. Betsy Hands

02:41:26 Sheri Scurr

02:42:18 Rep. Betsy Hands

02:42:47 Sheri Scurr

02:42:50 Rep. Betsy Hands

02:43:13 Sheri Scurr

02:43:24 Rep. Betsy Hands

02:43:32 Sheri Scurr

02:43:39 Rep. Betsy Hands

02:44:12 Rep. Derek Skees

02:45:45 Rep. Betsy Hands

02:45:59 Rep. Ted Washburn

02:46:38 **Vote:** Motion carried 17-1 by roll call vote with Rep. Washburn voting no. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

02:48:02 **Motion:** Rep. G. Bennett moved that **HB 444 DO PASS AS AMENDED.**

Discussion:

02:48:09 Rep. Betsy Hands

02:49:31 Sheri Scurr
 02:50:01 Rep. Ted Washburn
 02:50:55 Rep. Dan Kennedy
 02:51:53 Rep. Derek Skees
 02:53:19 Rep. Franke Wilmer
 02:55:21 Rep. Pat Connell
 02:58:25 Rep. Betsy Hands
 03:00:54 Rep. Jerry Bennett

03:01:12 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bennett, Rep. Hendrick, Rep. Ingraham, Rep. Kary, Rep. Kennedy, Rep. Knox, Rep. McGillvray and Rep. Skees voting aye. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:02:47 **Motion/Vote:** Rep. G. Bennett moved that **HB 444 BE TABLED**. Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 484

03:03:26 **Motion:** Rep. G. Bennett moved that **HB 484 DO PASS**.

Discussion:

03:03:29 Sheri Scurr
 03:04:00 Rep. Pat Ingraham
 03:05:22 Rep. Joanne Blyton

03:05:36 **Vote:** Motion carried unanimously by voice vote. Rep. Hands, Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 528

03:06:13 **Motion:** Rep. G. Bennett moved that **HB 528 DO PASS**.

Discussion:

03:06:15 Sheri Scurr
 03:06:43 Rep. Frank Smith
 03:07:07 Rep. Joanne Blyton
 03:07:25 Rep. Frank Smith
 03:07:29 Rep. Jerry Bennett
 03:07:52 Rep. Ted Washburn
 03:08:34 Rep. Franke Wilmer
 03:09:02 Rep. Jerry Bennett
 03:10:02 Sheri Scurr
 03:10:24 Rep. Frank Smith
 03:11:06 Rep. Pat Ingraham

03:11:30 **Vote:** Motion carried 16-2 by roll call vote with Rep. Kary and Rep. Kennedy voting no. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

EXECUTIVE ACTION ON HB 530

03:13:06 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS.**

Discussion:

03:13:12 Sheri Scurr

03:13:28 **Motion:** Rep. Washburn moved that **HB 530 BE AMENDED.**
EXHIBIT(sth39a10)

Discussion:

03:14:36 Rep. James Knox entered the room.

03:14:45 **Vote:** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:15:04 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

03:15:12 **Substitute Motion:** Rep. Kennedy moved that **HB 530 BE AMENDED.**
EXHIBIT(sth39a11)

Discussion:

03:15:50 Rep. Dan Kennedy
03:16:16 Rep. Joanne Blyton
03:16:30 Rep. Dan Kennedy
03:16:42 Rep. Pat Ingraham
03:17:38 Rep. Dan Kennedy
03:17:47 Rep. Derek Skees
03:18:10 Sheri Scurr
03:18:33 Rep. Dereks Skees
03:18:43 Sheri Scurr
03:18:49 Rep. Ted Washburn
03:19:23 Rep. Dan Kennedy
03:19:53 Rep. Pat Connell
03:20:24 Rep. Pat Ingraham

03:22:28 **Motion:** Rep. Kennedy withdrew motion to amend **HB 530.**

03:22:52 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

Discussion:

03:23:20 Rep. Jerry Bennett
03:23:51 Rep. Ted Washburn
03:24:14 Rep. Dan Kennedy
03:24:39 Rep. Betsy Hands

03:25:25 **Substitute Motion:** Rep. Kary moved that **HB 530 BE AMENDED.**
(Refer to Exhibit #11)

03:25:39 Sheri Scurr
03:26:11 Rep. Pat Ingraham

03:26:45 **Vote:** Motion carried 16-2 by voice vote with Rep. Bennett and Rep. Kennedy
voting no. Rep. Knox, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:27:33 **Motion:** Rep. G. Bennett moved that **HB 530 DO PASS AS AMENDED.**

Discussion:

03:27:43 Rep. Bryce Bennett
03:29:25 Rep. James Knox
03:30:20 Rep. Betsy Hands
03:30:32 Rep. Franke Wilmer
03:32:13 Rep. Jerry Bennett
03:32:39 Rep. Pat Ingraham

03:34:27 **Vote:** Motion failed 4-14 by roll call vote with Rep. Blyton, Rep. Kary, Rep. Knox
and Rep. Washburn voting aye. Rep. Hendrick, Rep. MacLaren and Rep.
McGillvray voted by proxy.

03:35:46 **Motion/Vote:** Rep. G. Bennett moved that **HB 530 BE TABLED.** Motion carried
unanimously by voice vote. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray
voted by proxy.

EXECUTIVE ACTION ON HB 242

Previously acted on 2/7/2011

03:36:26 **Motion:** Rep. Kennedy moved that **HB 242 BE REMOVED FROM TABLED.**

Discussion:

03:37:19 Rep. Franke Wilmer

03:38:45 **Vote:** Motion carried 9-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep.
Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Hendrick,
Rep. MacLaren and Rep. McGillvray did not vote.

03:38:57 **Motion:** Rep. G. Bennett moved that **HB 242 DO PASS.**

Discussion:

03:39:20 Sheri Scurr

03:39:28 **Motion:** Rep. Blyton moved that **HB 242 BE AMENDED.**
EXHIBIT(sth39a12)

Discussion:

03:41:00 Rep. Joanne Blyton

03:43:53 Rep. Betsy Hands

03:45:19 Rep. Derek Skees

03:46:25 Rep. Betsy Hands

03:46:33 Sheri Scurr

03:47:37 Rep. Joanne Blyton

03:47:54 Rep. Franke Wilmer

03:49:38 Rep. Dan Kennedy

03:50:18 Rep. Derek Skees

03:50:59 Rep. Pat Ingraham

03:51:38 Rep. Joanne Blyton

03:51:42 Rep. Pat Ingraham

03:52:04 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:53:14 **Motion:** Rep. G. Bennett moved that **HB 242 DO PASS AS AMENDED.**

Discussion:

03:53:58 Rep. James Knox

03:54:15 Rep. Franke Wilmer

03:54:40 Rep. Pat Ingraham

03:58:16 **Vote:** Motion failed 3-15 by roll call vote with Rep. Blyton, Rep. Kennedy, Rep. Skees and Rep. Washburn voting aye. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

03:59:37 **Motion/Vote:** Rep. G. Bennett moved that **HB 242 BE TABLED.** Motion carried unanimously by voice vote. Rep. Hendrick, Rep. MacLaren and Rep. McGillvray voted by proxy.

ADJOURNMENT

04:01:09 Adjournment

Tim Stark, Secretary

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Additional Documents:

EXHIBIT([sth39aad.pdf](#))