

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Forrest Mandeville, on March 28, 2019 at 8:00 AM, in Room 455  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Forrest Mandeville, Chair (R)  
Rep. Jacob Bachmeier, Vice Chair (D)  
Rep. Wendy McKamey, Vice Chair (R)  
Rep. Geraldine Custer (R)  
Rep. Julie Dooling (R)  
Rep. Frank Fleming (R)  
Rep. Rodney Garcia (R)  
Rep. Frank Garner (R)  
Rep. Sharon Greef (R)  
Rep. Denise Hayman (D)  
Rep. Walt Sales (R)  
Rep. Ray L. Shaw (R)  
Rep. Mark Sweeney (D)  
Rep. Peggy Webb (R)

**Members Excused:** Rep. Jade Bahr (D)  
Rep. Jessica Karjala (D)  
Rep. Dale Mortensen (R)  
Rep. Tyson T. Runningwolf (D)  
Rep. Marvin Weatherwax (D)  
Rep. Thomas Winter (D)

**Members Absent:** None

**Staff Present:** Karen Armstrong, Committee Secretary  
Sheri Scurr, 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 & Date Posted: HJ 39, 3/25/2019; SB 236, 3/25/2019  
Executive Action: HB 738, HB 766, HB 776, SB 101, SB 115, SB 116, SB 124,  
SB 130, SB 134, SB 148, SB 150, SB 154

08:00:39 Chair Mandeville

**HEARING ON SB 236**

**Opening Statement by Sponsor:**

08:02:32 Sen. Mary McNally (D), SD 24, opened the hearing on SB 236, Require options to establish state property management strategy.

**EXHIBIT(sth64a01)**

**Proponents' Testimony:**

08:05:14 Steve Baiamonte, Department of Administration (DOA)

**Opponents' Testimony:** None

**Informational Testimony:**

08:06:13 John Harrington, Legislative Audit Division (LAD)

08:06:39 Mike Atwood, Department of Natural Resources and Conservation (DNRC)

**Questions from Committee Members and Responses:**

08:07:13 Rep. Garner

08:08:46 Vice Chair McKamey

08:09:11 Sen. McNally

08:09:43 Chair Mandeville

08:09:47 Steve Baiamonte, DOA

08:10:20 Chair Mandeville

08:10:31 John Harrington, LAD

08:12:48 Vice Chair McKamey

08:13:11 John Harrington, DNRC

08:14:12 Vice Chair McKamey

08:14:26 John Harrington, DNRC

08:15:16 Rep. Custer

08:16:21 John Harrington, DNRC

08:16:38 Chair Mandeville

08:17:17 John Harrington, DNRC

08:18:45 Chair Mandeville

08:19:37 John Harrington, DNRC

08:21:18 Vice Chair McKamey

08:22:03 Steve Baiamonte, DOA

**Closing by Sponsor:**

08:23:39 Sen. McNally

**HEARING ON HJ 39**

**Opening Statement by Sponsor:**

08:25:29 Rep. Tom Burnett (R), HD 67, opened the hearing on HJ 39, Requesting Legislative Performance Audit on combining admin of TRS and MPERA.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

08:27:12 Shawn Graham, Montana Teachers' Retirement System (TRS)  
08:30:16 Dore Schwinden, Montana Public Employees Retirement Administration  
(MPERA)  
08:30:42 Angus MacIver, Legislative Auditor, Legislative Audit Division (LAD)

**Questions from Committee Members and Responses:**

08:31:11 Vice Chair Bachmeier  
08:32:18 Shawn Graham, TRS  
08:34:06 Vice Chair Bachmeier  
08:34:19 Dore Schwinden, MPERA  
08:35:25 Vice Chair Bachmeier  
08:35:57 Legislative Auditor MacIver, LAD  
  
08:38:39 Rep. Bahr and Rep. Weatherwax arrived.  
  
08:39:15 Rep. Garner  
08:40:01 Rep. Burnett  
08:40:24 Rep. Greef  
08:40:57 Legislative Auditor Angus Mclver, LAD  
08:42:45 Rep. Sales  
08:43:06 Legislative Auditor Angus Mclver, LAD  
08:44:50 Rep. Sales  
08:45:15 Legislative Auditor Angus Mclver, LAD  
08:46:02 Rep. Hayman  
08:46:41 Dore Schwinden, MPERA  
08:47:07 Rep. Hayman  
08:47:13 Dore Schwinden, MPERA  
08:47:36 Chair Mandeville  
08:47:59 Director Graham, TRS  
08:48:10 Chair Mandeville  
08:48:24 Dore Schwinden, MPERA  
08:48:46 Chair Mandeville

**Closing by Sponsor:**

08:49:05 Rep. Burnett  
  
08:49:17 Chair Mandeville  
  
08:49:28 Recessed.  
09:02:19 Reconvened.  
  
09:02:25 Chair Mandeville

09:04:02 Recessed.  
09:34:25 Reconvened.  
09:34:31 Chair Mandeville

**EXECUTIVE ACTION ON SB 101**

09:35:19 **Motion:** Rep. McKamey moved that **SB 101 BE CONCURRED IN.**

**Discussion:**

09:35:54 Rep. Custer

09:36:04 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Dooling will carry the bill.

**EXECUTIVE ACTION ON SB 115**

09:37:07 **Motion/Vote:** Rep. McKamey moved that **SB 115 BE CONCURRED IN.** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Webb will carry the bill.

**EXECUTIVE ACTION ON SB 116**

09:38:41 **Motion:** Rep. McKamey moved that **SB 116 BE CONCURRED IN.**

09:38:49 **Motion:** Rep. W. Sales moved that **SB 116 BE AMENDED.**  
[EXHIBIT\(sth64a02\)](#)

**Discussion:**

09:40:34 Rep. Sweeney

09:40:53 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.

09:41:15 **Motion:** Rep. McKamey moved that **SB 116 BE CONCURRED IN AS AMENDED.**

**Discussion:**

09:41:27 Rep. Custer

09:42:00 Rep. Sales

09:42:15 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. McKamey will carry the bill.

**EXECUTIVE ACTION ON SB 124**

09:43:10 **Motion/Vote:** Rep. McKamey moved that **SB 124 BE CONCURRED IN**. Motion carried 19-1 by roll call vote with Rep. Garcia voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. McKamey will carry the bill.

**EXECUTIVE ACTION ON SB 130**

09:45:08 **Motion/Vote:** Rep. McKamey moved that **SB 130 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Shaw will carry the bill.

**EXECUTIVE ACTION ON SB 134**

09:46:12 **Motion:** Rep. McKamey moved that **SB 134 BE CONCURRED IN**.

09:46:39 **Motion:** Rep. McKamey moved that **SB 134 BE AMENDED**.  
[EXHIBIT\(sth64a03\)](#)

**Discussion:**

09:47:57 Vice Chair McKamey

09:48:13 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.

09:48:34 **Motion/Vote:** Rep. McKamey moved that **SB 134 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Custer will carry the bill.

**EXECUTIVE ACTION ON SB 148**

09:49:27 **Motion/Vote:** Rep. McKamey moved that **SB 148 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Bachmeier will carry the bill.

**EXECUTIVE ACTION ON SB 150**

09:50:49 **Motion:** Rep. McKamey moved that **SB 150 BE CONCURRED IN**.

**Discussion:**

09:51:28 Vice Chair Bachmeier

09:51:45 Chair Mandeville

09:52:14 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Mandeville will carry the bill.

**EXECUTIVE ACTION ON SB 154**

09:52:49 **Motion/Vote:** Rep. McKamey moved that **SB 154 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy. Rep. Greef will carry the bill.

**EXECUTIVE ACTION ON HB 738**

09:54:06 **Motion/Vote:** Rep. Bachmeier moved that **HB 738 BE REMOVED FROM TABLE**. Motion carried 9-7 by roll call vote of those present and voting with Rep. Dooling, Rep. Fleming, Rep. Garcia, Rep. Greef, Rep. Mandeville, Rep. Shaw and Rep. P. Webb voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter were excused.

09:56:32 **Motion:** Rep. Bachmeier moved that **HB 738 DO PASS**.

09:56:47 **Motion:** Rep. Bachmeier moved that **HB 738 BE AMENDED**.

**EXHIBIT(sth64a04)**

**Discussion:**

09:56:57 Vice Chair Bachmeier

09:58:04 Rep. Garner

09:58:20 Sheri Scurr, Legislative Services Division (LSD)

09:59:34 Rep. Garner

09:59:39 Sheri Scurr, LSD

10:00:02 Vice Chair McKamey

10:00:33 Rep. Custer

10:00:49 Vice Chair Bachmeier

10:00:59 Chair Mandeville

10:01:34 Rep. Garner

10:01:50 Without objection, Rep. Bachmeier **WITHDREW** the **BE AMENDED** motion.

10:02:01 Chair Mandeville

10:02:05 **Motion:** Rep. Bachmeier moved that **HB 738 BE AMENDED BY A CONCEPTUAL AMENDMENT USING THE LANGUAGE FROM AMENDMENT HB073801.ASC EXCEPT DELETING THE WORDS "OR WOULD HAVE BEEN" ON PAGE 1, LINE 24**.

**Discussion:**

10:02:24 Chair Mandeville

10:02:33 Sheri Scurr, LSD

- 10:03:04 Chair Mandeville  
10:03:28 Vice Chair Bachmeier
- 10:03:34 **Vote:** Motion carried 13-7 by roll call vote with Rep. Dooling, Rep. Fleming, Rep. Garcia, Rep. Mortensen, Rep. W. Sales, Rep. Shaw and Rep. P. Webb voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.
- 10:04:54 **Motion:** Rep. Bachmeier moved that **HB 738 DO PASS AS AMENDED.**

**Discussion:**

- 10:05:05 Rep. Garner  
10:05:15 Sheri Scurr, LSD  
10:06:30 Vice Chair Bachmeier  
10:06:59 Rep. Garner  
10:07:49 Rep. Custer  
10:08:41 Rep. Hayman  
10:09:06 Chair Mandeville  
10:09:12 Vice Chair Bachmeier  
10:09:21 Chair Mandeville
- 10:09:40 **Substitute Motion:** Rep. Garner made a substitute motion that **HB 738 BE TABLED.**

**Discussion:**

- 10:09:52 Rep. Hayman
- 10:10:44 **Vote:** Motion carried 19-1 by voice vote with Rep. Hayman voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.

**EXECUTIVE ACTION ON HB 766**

- 10:11:30 **Motion/Vote:** Rep. Bachmeier moved that **HB 766 BE REMOVED FROM TABLE.** Motion carried 13-3 by roll call vote with Rep. Dooling, Rep. Fleming and Rep. Garcia voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter were excused.
- 10:13:23 **Motion/Vote:** Rep. Bachmeier moved that **HB 766 DO PASS.** Motion carried 15-5 by roll call vote with Rep. Dooling, Rep. Fleming, Rep. Garcia, Rep. Greef and Rep. Mandeville voting no. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.

**EXECUTIVE ACTION ON HB 776**

10:15:14 **Motion/Vote:** Rep. McKamey moved that **HB 776 BE REMOVED FROM TABLE**. Motion carried 16-0 by roll call vote of those present and voting. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter were excused.

10:15:31 Chair Mandeville

10:17:00 **Motion:** Rep. McKamey moved that **HB 776 DO PASS**.

**Discussion:**

10:17:09 Chair Mandeville

10:20:34 Vice Chair Bachmeier

10:20:53 Susan Byorth Fox, Director, Legislative Services Division (LSD)

10:21:17 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Mortensen, Rep. Runningwolf and Rep. Winter voted by proxy.

10:21:54 Vice Chair Bachmeier

10:22:30 Chair Mandeville

10:23:47 Rep. Webb

**ADJOURNMENT**

Adjournment: 10:25:00

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Karen Armstrong, Secretary

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Additional Documents:

**EXHIBIT**([sth64aad.pdf](#))