

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN LARRY JENT**, on April 15, 2005 at 8:00 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Larry Jent, Chairman (D)
Rep. Dee L. Brown, Vice Chairman (R)
Rep. Veronica Small-Eastman, Vice Chairman (D)
Rep. Joan Andersen (R)
Rep. Mary Caferro (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Robin Hamilton (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Hal Jacobson (D)
Rep. Gary MacLaren (R)
Rep. Bruce Malcolm (R)
Rep. Bernie Olson (R)

Members Excused: Rep. William J. Jones (R)
Rep. Alan Olson (R)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Marion Mood, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SJ 14, 4/13/2005
Executive Action: SJ 14

HEARING ON SJ 14**Opening Statement by Sponsor:**

SEN. JOSEPH (JOE) TROPILA (D), SD 13, opened the hearing on **SJ 14**, Comprehensive review of State active duty process.

Proponents' Testimony:

Roger Hagan, Officer and Enlisted Associations of the Montana National Guard, stated that through the increased need for assistance by National Guard members involving natural disasters and other emergencies, it had become apparent that some existing laws and procedures needed clarification and improvement. He welcomed the opportunity to have an interim committee conduct this study. He advised there had not been any changes in the laws since 1947.

Opponents' Testimony: None

Questions from Committee Members and Responses:

REP. GORDON HENDRICK, HD 14, SUPERIOR, asked Mr. Hagan about the protocol in bringing National Guard members on active duty. **Mr. Hagan** advised the first requirement was a declaration of emergency by the Governor; National Guard members are the last line of defense as they are called to duty when all other private and governmental sources have been exhausted. As soon as the emergency was over, active duty status ceased, and even though the logistics and administrative duties, such as payroll, medical and leave, still needed attention, they were prohibited from keeping someone on active duty to close out the books. **REP. HENDRICK** inquired whether the study would resolve this problem by extending State active duty until the administrative close-out process was finished. **Mr. Hagan** stated this was his hope. He added, because of their Federal mission, the National Guard had the types of equipment such as helicopters, to aid in life preservation missions of short-duration at the call of the Disaster and Emergency Services without a State active duty order.

CHAIRMAN LARRY JENT, HD 64, BOZEMAN, asked whether there were specific statutory items which should be examined by the study committee, particularly as they pertained to how the Guard was alerted, mobilized and deployed. **Mr. Hagan** stated they would like to see changes in the logistics end of it, after the emergency was over, as State and Federal funds could not be commingled; he suggested provisions which would allow them be on

continued State active duty and State pay status until the books were closed out.

CHAIRMAN JENT could relate to this problem as in his own experience as a company commander, there were not just payroll but also vehicle maintenance or workers' compensation issues after returning from fighting a wildfire, for instance. **Mr. Hagan** advised this was a problem as the number of people available for those duties was cut dramatically as their active duty status ceased and they turned back into a Federal mission mode.

VICE CHAIR DEE BROWN, HD 3, HUNGRY HORSE, wondered who was in charge of the National Guard if they were deployed on a wildfire on State lands. **Mr. Hagan** advised it would vary between administrative control and operational control, depending on whether it was an emergency for law enforcement, flood, deep snow, or forest fires; each entity brought a different group of agencies and administrators to the mission. The overall administrative control over the Guard on State active duty is held by the Governor and the Adjutant General; all logistics are the Guard's duty and are provided through the military chain.

VICE CHAIR BROWN asked why it had taken five years to come up with a study resolution, particularly since he had said they learned a lot in the 2000 fire season. **Mr. Hagan** advised they had discussed options and started comparing solutions with Guard members in surrounding states.

Closing by Sponsor:

SEN. TROPILA closed, adding the study would be assigned to the State Administration and Veteran's Affairs (SAVA) Interim Committee.

EXECUTIVE ACTION ON SJ 14

Motion/Vote: **REP. HENDRICK** moved that SJ 14 BE CONCURRED IN. Motion carried unanimously; **REPS. A. OLSON** and **JONES** voted aye by proxy.

REP. HENDRICK agreed to be the House Sponsor.

Note: **SB 462** lingered on a tie vote recorded on April 7, 2005 and was blasted out of Committee on April 16, 2005; Standing Committee Report is enclosed.

ADJOURNMENT

Adjournment: 8:30 A.M.

REP. LARRY JENT, Chairman

MARION MOOD, Secretary

LJ/mm

Additional Exhibits:

EXHIBIT ([sth81aad0.PDF](#))