

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 81

Call to Order: By **CHAIRMAN JOSEPH (JOE) TROPILA**, on April 8,
2005 at 3:17 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Joseph (Joe) Tropila, (D), Chairman
Rep. Dee L. Brown (R)
Sen. Glenn Roush (D)
Sen. Corey Stapleton, (R)
Rep. Larry Jent (D)
Rep. Gordon Hendrick (R)
Rep. Hal Jacobson, (D)

Members Excused: None.

Members Absent: None.

Staff Present: Peg Holwick, Committee Secretary, Audio Technician
Sheri Heffelfinger, Legislative Staffer

Audio Committees: These minutes are in outline form only. Testimony
is paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: SB 81

{Tape: 1; Side: A}

Opening Statement by Sponsor:

SEN. COREY STAPLETON (R), SD 27, opened the meeting on **SB 81**, and reminded the committee about the Revised National Guard Civil Relief Act and a request to go back to the 10 days.

REP. D. BROWN said that relief after 10 days of duty is way too short and, with emphasis, opined that if National Guardsmen make the commitment to serve, and if they need relief after 10 days, "they shouldn't have signed up for the Guard in the first place".

REP. STAPLETON apologized to the committee for not having the whole act in front of him but emphasized the need for relief days and that it would not be abused.

REP. D. BROWN Advised there was concern on the House floor by a vet who was worried that this would be used for the regular call of two weeks off in the summer. Could this bill be used for that purpose?

Sheri Heffelfinger, Legislative Staffer, defined "state active duty" as occurring when the Governor declares a state of emergency. The regular two week training is not included.

Informational Testimony:

Lt. Colonel Jim Moran, Judge Advocate on behalf of General Mosley clarified that when National Guardsmen are assigned to state active duty relief, they should get the same protections as they do on the federal side. Historically, they are called up for about 15 days or less.

EXHIBIT (ccs75sb0081a01)

REP. D. BROWN asked **SEN. STAPLETON** whether Montana would be the only state the same as federal law and "cutting edge with this legislation". **SEN. STAPLETON** said it would mirror that which is offered under federal law.

REP. JACOBSON moved that the number 20 be replaced by the number 10 for consecutive days.

REP. JACOBSON expressed some confusion about the rules pertaining to conference committees. **Ms. Heffelfinger** defined the rules for the committee members. She explained that the Bill passes out of committee with "no recommendation" to the House floor and that the Senate passes it out of committee with a recommendation. If the House rejects the committee report, then a new conference committee is appointed since both houses have to pass the amendment for the bill to go forward.

CHAIRMAN TROPILA asked **REP. HENDRICK** why he wants 30 days. **REP. HENDRICK** said 10 days was too short.

REP. JENT said that the whole idea of the act is to provide protection for service members who are deployed often on short notice and take someone far away, not like the "summer camp" that's in place all year long. He thought 10 days was justified when you have an emergency deployment or Title 32 active deployment.

SEN. TROPILA said that wildland fire fighting is not "summer camp" but is difficult and tedious work.

REP. BROWN said that she though wildland fire fighters were required to be home after 21 days.

Committee Secretary Holwick, with no objection from the committee, interjected that the federal rule was changed from 21 to 14 days.

Motion/Vote: **REP. BROWN** moved that SB 81 BE AMENDED to change 10 days to 14 days. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 3:50 P.M.

SEN. JOSEPH (JOE) TROPILA, Chairman

Peg Holwick, Secretary

DB/JT/ph

Additional Exhibits:

EXHIBIT ([ccs75sb0081aad0.PDF](#))