

MINUTES

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

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By Chairman Dennis Himmelberger, on January 16, 2009 at 8:02 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. Tony Belcourt (D)
Rep. Joel Boniek (R)
Rep. Frosty Boss Ribs (D)
Rep. Dee Brown (R)
Rep. Mary Caferro (D)
Rep. Gordon R. Hendrick (R)
Rep. Gary MacLaren (R)
Rep. Sue Malek (D)
Rep. Ted Washburn (R)
Rep. Franke Wilmer (D)

Members Excused: Rep. Pat Ingraham (R)

Members Absent: Rep. Betsy Hands (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: HB 16, HB 50 HB 59, HB 34
Executive Action: HB 67, HB 155

00:01:19 Rep. Ingraham entered the room
00:02:45 Rep. Phillips entered the room

HEARING ON HB 16

Opening Statement by Sponsor:

00:03:14 Rep. Pat Ingraham (R), HD 13, opened the hearing on **HB 16**, Allow election administrators to determine use of automarks at certain elections.

Proponents' Testimony:

00:07:56 Janice Hoppes, Clerk and Recorder Election Administrator, Pondera County

EXHIBIT(sth10a01)

00:12:35 Sheryl Wood, Associate Director, Montana Association of Counties

Opponents' Testimony:

00:13:06 Linda McCulloch, Secretary of State

EXHIBIT(sth10a02)

00:16:21 Franke Wilmer, Representative from HD 64, Interim Chair of the State Administration and Veteran Affairs Committee, Former Chair of Human Rights Commission for the State of Montana

00:19:10 Beth Brenneman, Disability Rights Montana

EXHIBIT(sth10a03)

00:24:26 Eric Stern, Governor's Office

00:25:21 Travis Hoffman, Montana Independent Living Center

00:28:46 Bob Maffit

00:38:34 Dan Burke, President, Montana Association for the Blind

00:41:35 Joy Bruck, Volunteer Advocate, AARP Montana

EXHIBIT(sth10a04)

00:42:27 Kate Cholewa, Common Cause

00:42:51 Sara Cobler, Montana Conservation Voters

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:35 Rep. Bean
00:44:22 Rep. Hands entered the room
00:44:42 Mr. Maffit
00:46:12 Rep. Malek
00:46:46 Ms. Bruck
00:48:51 Rep. O'Hara

00:49:27 Rep. Ingraham
00:51:06 Rep. Boniek
00:51:34 Ms. McCulloch
00:52:12 Chairman Himmelberger
00:52:16 Rep. Boniek
00:52:26 Lisa Kimmert, Deputy for Elections, Secretary of State's Office
00:55:03 Chairman Himmelberger
00:55:09 Rep. Belcourt
00:55:45 Ms. McCulloch
00:56:36 Rep. Brown
00:57:17 Ms. McCulloch
00:57:33 Rep. Caferro
00:57:56 Mr. Burke
00:58:11 Rep. caferro
00:58:34 Mr. Burke
00:58:39 Chairman Himmelberger
00:59:20 Mr. Stern
00:59:25 Chairman Himmelberger

Closing by Sponsor:

00:59:33 Rep. Ingraham
01:04:34 Chairman Himmelberger
01:04:42 Committee takes a break
01:17:49 Committee Reconvenes

HEARING ON HB 34

Opening Statement by Sponsor:

01:18:13 Rep. Franke Wilmer (D), HD 64, opened the hearing on **HB 34**, Revise retirement statutes to address return to work issues and funding concerns.

Proponents' Testimony:

01:23:20 David Senn, Teachers' Retirement System
[EXHIBIT\(sth10a05\)](#)
01:33:20 Tom Bilodeau, Research Director, MEA-MFT
01:36:23 Bob Vogel, Montana School Boards Administration
01:38:07 Darrell Rud, Executive Director, School Administrators of Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:39:48 Rep. Phillips
01:41:25 Mr. Senn
01:42:42 Rep. Phillips
01:42:49 Chairman Himmelberger
01:43:01 Rep. MacLaren
01:43:24 Mr. Senn
01:43:54 Rep. MacLaren
01:44:01 Mr. Senn
01:44:08 Chairman Himmelberger
01:44:28 Rep. Wilmer
01:44:37 Chairman Himmelberger
01:45:10 Rep. Wilmer
01:45:33 Chairman Himmelberger
01:45:51 Rep. Wilmer
01:45:56 Chairman Himmelberger
01:46:02 Mr. Vogel
01:46:37 Chairman Himmelberger

Closing by Sponsor:

01:46:46 Rep. Wilmer
01:47:55 Chairman Himmelberger

HEARING ON HB 59

Opening Statement by Sponsor:

01:48:05 Rep. Robin Hamilton (D), HD 92, opened the hearing on
HB 59, Generally revise retirement laws to comply with
federal changes.

Proponents' Testimony:

01:49:45 David Senn, Teachers' Retirement System
EXHIBIT(sth10a06)
02:05:15 Tom Bilodeau, MEA-MFT
02:07:51 Rep. Hands exited the room

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:08:35 Rep. Brown
02:09:20 Mr. Senn
02:09:45 Rep. Brown
02:10:09 Mr. Senn
02:10:55 Rep. Brown

02:11:47 Mr. Senn
02:14:50 Rep. Malek
02:15:02 Mr. Senn
02:16:07 Rep. MacLaren
02:16:42 Mr. Senn
02:18:57 Rep. MacLaren
02:19:05 Mr. Senn
02:19:14 Rep. MacLaren

Closing by Sponsor:

02:19:24 Rep. Hamilton
02:19:38 Chairman Himmelberger

HEARING ON HB 50

Opening Statement by Sponsor:

02:19:53 Rep. Bob Lake (R), HD 88, opened the hearing on **HB 50**,
Require rules be consistent with legislative intent.
[EXHIBIT\(sth10a07\)](#)

Proponents' Testimony:

02:28:14 Don Allen, Western Environmental Trade Association
02:32:28 Gary Spaeth, Request of Rep. Bob Lake
02:35:10 Rep. Hands entered the room
02:37:55 Candace Payne, Southern Montana Electric GET

Opponents' Testimony:

02:39:46 Ann Brodsky, Governor's Office
02:44:26 Mark Cadwallader, Department of Labor and Industry
[EXHIBIT\(sth10a08\)](#)
02:51:54 Candace West, Chief Council, Department of Natural
Resources and Conservation
02:55:52 Curtis Larsen, Staff Attorney, Montana State Fund
02:56:49 Anne Hedges, Montana Environmental Information Center

Informational Testimony:

02:59:29 Trudi Schmidt, Senator from SD 11
03:01:22 Russ Cater, Chief Legal Council, Department of Public
Health and Human Services

Questions from Committee Members and Responses:

03:02:34 Rep. Wilmer
03:03:43 Ms. West

03:04:18 Rep. Ingraham
03:05:12 Ms. Hedges
03:05:20 Rep. Ingraham
03:05:55 Ms. Hedges
03:07:31 Rep. Ingraham
03:07:57 Ms. Hedges
03:08:40 Chairman Himmelberger
03:09:08 Rep. Dickenson
03:09:25 Rep. Hands exited the room
03:10:17 Sen. Schmidt
03:12:39 Chairman Himmelberger
03:13:01 Sen. Schmidt
03:13:06 Rep. Dickenson
03:13:28 Sen. Schmidt
03:13:50 Chairman Himmelberger

Closing by Sponsor:

03:13:58 Rep. Lake
03:16:13 Chairman Himmelberger
03:17:02 Rep. Wilmer exited the room

EXECUTIVE ACTION ON HB 67

03:17:19 **Motion:** Rep. Belcourt moved that **HB 67 DO PASS.**

Discussion:

03:17:30 Chairman Himmelberger
03:17:41 Rep. Brown
03:17:59 Rep. Belcourt
03:18:11 Rep. Brown
03:18:25 Chairman Himmelberger

03:18:33 **Vote:** Motion carried unanimously by voice vote. Rep. Van Dyk, Rep. Hands and Rep. Wilmer voted by proxy.

03:19:03 Chairman Himmelberger

EXECUTIVE ACTION ON HB 155

03:19:26 **Motion:** Rep. Phillips moved **HB 155 .**

Discussion:

03:19:32 Chairman Himmelberger
03:19:42 Rep. Brown
03:20:23 Chairman Himmelberger
03:20:28 Sheri Heffelfinger, Legislative Services Division

03:20:59 Rep. Brown
03:21:35 Ms. Heffelfinger
03:21:44 Rep. Brown
03:21:48 Ms. Heffelfinger
03:22:25 Rep. Brown
03:22:47 Chairman Himmelberger
03:22:58 Rep. Belcourt
03:23:25 Rep. Brown

03:23:51 **Motion:** Rep. Dickenson moved that **HB 155 BE AMENDED.**
EXHIBIT(sth10a09)

Discussion:

03:23:58 Chairman Himmelberger
03:24:32 Ms. Heffelfinger
03:26:42 Rep. Hands entered the room
03:26:52 Chairman Himmelberger
03:26:58 Rep. Dickenson
03:28:04 Chairman Himmelberger
03:28:12 Rep. Brown
03:28:42 Chairman Himmelberger

03:28:52 **Vote:** Motion carried unanimously by voice vote. Rep. Van Dyk and Rep. Wilmer vote by proxy.

03:29:19 **Motion:** Rep. Brown moved that **HB 155 DO PASS AS AMENDED.**

Discussion:

03:29:26 Chairman Himmelberger
03:29:36 Rep. Ingraham
03:30:14 Chairman Himmelberger

03:30:22 **Vote:** Motion carried unanimously by voice vote. Rep. Van Dyk and Rep. Wilmer vote by proxy.

03:30:37 Chairman Himmelberger
03:30:55 Rep. Phillips
03:31:05 Chairman Himmelberger

ADJOURNMENT

03:31:13 Adjournment

MARSHALL MCEWEN, Secretary

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Additional Exhibits:

EXHIBIT([sth10aad.pdf](#))