

## MINUTES

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

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chairman Dennis Himmelberger, on February 19, 2009  
at 8:01 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. Joel Boniek (R)  
Rep. Frosty Boss Ribs (D)  
Rep. Dee Brown (R)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Pat Ingraham (R)  
Rep. Gary MacLaren (R)  
Rep. Sue Malek (D)  
Rep. Mike Phillips (D)  
Rep. Ted Washburn (R)

**Members Excused:** Rep. Mary Caferro (D)

**Members Absent:** Rep. Tony Belcourt (D)  
Rep. Kendall Van Dyk (D)  
Rep. Franke Wilmer (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 556, HB 594, HJ 22, 2/13/09;  
HB 622, HJ 27, 2/18/09

Executive Action: HB 532, HB 546, HB 479, HB 493,  
HB 570, HB 553, HB 547

00:03:29 Rep. Belcourt and Rep. Wilmer entered the room.

**HEARING ON HJ 22**

**Opening Statement by Sponsor:**

00:02:55 Rep. Jesse O'Hara (R), HD 18, opened the hearing on HJ 22, Recognition of anniversaries for Russell and Rankin statues in Statuary Hall.

**Proponents' Testimony:**

00:05:29 Norma Ashby, Self

**EXHIBIT(sth39a01)**

00:08:57 Jack May, Self

00:11:03 Dan Elliott, Self

00:17:20 Bob Morgan, Self

**EXHIBIT(sth39a02)**

00:20:18 Janet Kelly, Director, Department of Administration

00:22:17 Richard Sims, Director, Montana Historical Society

00:23:14 Sen. Carol Williams, SD 46, Missoula

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:25:57 Rep. O'Hara

00:26:20 Chairman Himmelberger

**EXECUTIVE ACTION ON HJ 22**

00:26:41 **Motion/Vote:** Rep. Brown moved that **HJ 22 DO PASS.**  
Motion carried unanimously by voice vote. Rep. Caferro  
and Rep. Van Dyk voted by proxy.

00:27:50 Chairman Himmelberger

00:27:55 Rep. Hands exited the room.

**HEARING ON HJ 27**

**Opening Statement by Sponsor:**

00:28:26 Rep. Franke Wilmer (D), HD 64, opened the hearing on HJ 27, Urge learning and use of first nations names in their own language.

00:38:39 Rep. Hands entered the room.

**Proponents' Testimony:**

00:39:40 Sen. Carol Juneau, SD 8, Browning

00:43:40 Rep. Frosty Boss Ribs, HD 15, Heart Butte

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:46:00 Rep. Boniek

00:46:20 Rep. Wilmer

00:46:50 Rep. Boniek

00:47:08 Rep. Wilmer

00:48:35 Rep. Brown

00:49:06 Rep. Wilmer

00:49:52 Rep. Brown

00:50:07 Rep. Wilmer

00:50:39 Chairman Himmelberger

**Closing by Sponsor:**

00:50:43 Rep. Wilmer

00:54:51 Chairman Himmelberger

00:54:54 Chairman Himmelberger turned the gavel over to Vice Chairman O'Hara.

**HEARING ON HB 622**

**Opening Statement by Sponsor:**

00:55:44 Rep. Dennis Himmelberger (R), HD 47, opened the hearing on HB 622, Clarify constituent fund account laws.

[EXHIBIT \(sth39a03\)](#)

**Proponents' Testimony:**

00:56:31 Dennis Unsworth, Commissioner, Political Practices

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:02:25 Rep. Dickenson  
01:02:46 Mr. Unsworth  
01:03:09 Rep. Dickenson  
01:03:33 Rep. Himmelberger  
01:04:45 Rep. Dickenson  
01:04:58 Rep. Himmelberger  
01:05:07 Rep. Washburn  
01:05:38 Rep. Himmelberger  
01:06:07 Rep. Boniek  
01:06:25 Mr. Unsworth  
01:09:15 Rep. Malek  
01:10:02 Mr. Unsworth  
01:11:26 Rep. Malek  
01:11:31 Mr. Unsworth  
01:12:17 Vice Chairman O'Hara

**Closing by Sponsor:**

01:12:21 Rep. Himmelberger  
01:13:19 Vice Chairman O'Hara  
01:13:35 Vice Chairman O'Hara closed the hearing and returned  
the gavel to Chairman Himmelberger.  
01:13:52 Chairman Himmelberger

**HEARING ON HB 594**

**Opening Statement by Sponsor:**

01:14:01 Rep. Chuck Hunter (D), HD 79, opened the hearing on  
HB 594, Limit state bonuses to employees.

**EXHIBIT (sth39a04)**

01:18:04 Rep. Caferro entered the room.

**Proponents' Testimony:** None

**Opponents' Testimony:**

01:22:05 Lawrence Hubbard, President, CEO, Montana State Fund  
01:33:58 Tom Schneider, Montana Public Employees Association

**Informational Testimony:**

01:35:55 Sheryl Olson, Deputy Director, Department of  
Administration

**EXHIBIT (sth39a05)**

01:36:27 Chairman Himmelberger

01:36:45 Ms. Olson

**Questions from Committee Members and Responses:**

01:39:25 Rep. Wilmer

01:39:58 Rep. Hunter

01:40:22 Rep. Brown

01:40:45 Rep. Hunter

01:41:25 Rep. Brown

01:42:04 Rep. Hunter

01:42:38 Rep. Ingraham

01:43:23 Mr. Hubbard

01:45:42 Rep. Malek

01:46:04 Ms. Olson

01:46:51 Rep. Malek

01:47:45 Mr. Hubbard

01:49:35 Rep. Caferro

01:50:15 Rep. Hunter

01:50:18 Rep. Caferro

01:50:20 Rep. Brown

01:51:07 Mr. Hubbard

01:51:24 Rep. Brown

01:51:51 Mr. Hubbard

01:53:12 Chairman Himmelberger

**Closing by Sponsor:**

01:53:16 Rep. Hunter

01:55:48 Chairman Himmelberger

01:56:02 Committee takes a break.

02:15:56 Committee reconvenes. Rep. Van Dyk, and Rep. Hands were  
not present after the break.

**HEARING ON HB 556**

**Opening Statement by Sponsor:**

02:16:30 Rep. Gary MacLaren (R), HD 89, opened the hearing on  
HB 556, Require verification of work authorization  
status.

**EXHIBIT (sth39a06)**

02:21:19 Rep. Hands entered the room.

**Proponents' Testimony:**

02:22:23 Paul Nachman, Self  
02:28:30 Kelly Wood, Minute Men Civil Defense Core  
02:34:20 Rep. Dickenson raised a point of personal privilege.  
02:34:56 Rep. Washburn

**Opponents' Testimony:**

02:35:17 Debra Smith, Self  
02:40:02 Carl Seilstad, Fergus County Commissioner; First Vice  
President, Montana Association of Counties  
02:42:46 Ronda Wiggers, Montana County Treasurers Association  
02:45:10 Kim Abbott, Montana Human Rights Network  
02:48:04 Shahid Haque-Hausrath, Self

**Informational Testimony:**

02:53:21 Sheryl Olson, Deputy Director, Department of  
Administration

**Questions from Committee Members and Responses:**

02:53:40 Rep. Phillips  
02:54:46 Rep. MacLaren  
02:55:47 Rep. Phillips  
02:55:56 Rep. MacLaren  
02:56:05 Rep. Ingraham  
02:56:19 Rep. MacLaren  
02:56:58 Rep. Ingraham  
02:57:18 Rep. MacLaren  
02:57:25 Rep. Hands  
02:58:30 Rep. MacLaren  
02:59:15 Rep. Hands  
02:59:54 Rep. MacLaren  
03:00:11 Rep. Belcourt  
03:00:19 Ms. Olson  
03:00:27 Rep. Belcourt  
03:00:56 Rep. MacLaren  
03:01:22 Rep. Hendrick  
03:01:36 Rep. Brown and Rep. Dickenson exited the room.  
03:01:50 Rep. MacLaren  
03:02:00 Chairman Himmelberger

**Closing by Sponsor:**

03:02:07 Rep. MacLaren  
03:04:03 Chairman Himmelberger  
03:04:25 Rep. Hands exited the room.

**EXECUTIVE ACTION ON HB 532**

03:05:09 **Motion/Vote:** Rep. MacLaren moved that **HB 532 BE TABLED**. Motion carried unanimously by voice vote. Rep. Brown, Rep. Van Dyk, Rep. Hands, and Rep. Dickenson voted by proxy.

03:06:25 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 546**

03:06:31 **Motion:** Rep. Ingraham moved that **HB 546 DO PASS**.

**Discussion:**

03:06:34 Chairman Himmelberger

03:06:45 Rep. Ingraham

03:08:25 Rep. Washburn

03:08:41 Rep. Dickenson entered the room.

03:08:48 Rep. Wilmer exited the room.

03:09:11 Rep. Boniek

03:09:36 Rep. Phillips

03:09:54 Rep. Malek

03:10:24 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bean, Rep. Brown, Rep. Hendrick, Rep. Ingraham, Rep. O'Hara, and Rep. Washburn voting no. Rep. Brown, Rep. Hands, Rep. Van Dyk, and Rep. Wilmer voted by proxy.

03:11:49 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 479**

03:12:04 **Motion:** Rep. Boniek moved that **HB 479 DO PASS**.

**Discussion:**

03:12:15 Chairman Himmelberger

03:12:21 Rep. Boniek

03:12:40 Rep. Hands entered the room.

03:13:37 Rep. Dickenson

03:14:45 Rep. Bean

03:15:07 Rep. Malek

03:16:23 Rep. Phillips

03:16:54 Rep. Boniek

03:17:22 Rep. Phillips

03:17:31 Rep. Boniek

03:17:59 **Vote:** Motion failed 8-10 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Brown, Rep. Van Dyk, and Rep. Wilmer voted by proxy.

03:19:05 **Motion/Vote:** Rep. Malek moved that **HB 479 BE TABLED**. Motion carried 16-2 by voice vote with Rep. Boniek and Rep. Hendrick voting no. Rep. Brown, Rep. Van Dyk, and Rep. Wilmer voted by proxy.

03:19:50 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 493**

03:20:12 **Motion:** Rep. Belcourt moved that **HB 493 DO PASS**.

**Discussion:**

03:20:18 Chairman Himmelberger

03:20:26 **Motion:** Rep. Dickenson moved that **HB 493 BE AMENDED**. **EXHIBIT (sth39a07)**

**Discussion:**

03:20:46 Chairman Himmelberger

03:20:56 Rep. Dickenson

03:21:01 Ms. Heffelfinger

03:21:08 Rep. Wilmer entered the room.

03:22:51 Chairman Himmelberger

03:22:58 Rep. Boniek

03:23:11 Rep. Hands

03:23:21 Rep. Dickenson

03:23:27 Rep. Wilmer

03:23:57 Rep. Brown

03:24:05 Chairman Himmelberger

03:24:20 Rep. Hands

03:24:35 Chairman Himmelberger

03:24:39 Rep. Hands

03:24:44 Chairman Himmelberger

03:24:48 Ms. Heffelfinger

03:25:34 Chairman Himmelberger

03:25:44 **Vote:** Motion failed 2-16 by roll call vote with Rep. Dickenson and Rep. Van Dyk voting aye. Rep. Van Dyk voted by proxy.

03:26:47 Chairman Himmelberger

03:26:51 **Motion:** Rep. Belcourt moved that **HB 493 DO PASS.**

**Discussion:**

03:27:03 Chairman Himmelberger

03:27:09 Rep. Malek

03:28:08 Rep. Boniek

03:28:32 Rep. Brown

03:29:10 **Vote:** Motion failed 9-9 by roll call vote with Rep. Belcourt, Rep. Boss Ribs, Rep. Caferro, Rep. Dickenson, Rep. Hands, Rep. Malek, Rep. Phillips, Rep. Van Dyk, and Rep. Wilmer voting aye. Rep. Van Dyk voted by proxy.

03:30:06 **Motion/Vote:** Rep. Brown moved that **HB 493 BE TABLED.** Motion carried 14-4 by voice vote with Rep. Belcourt, Rep. Hands, Rep. Malek, and Rep. Phillips voting no. Rep. Van Dyk voted by proxy.

03:30:51 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 570**

03:30:56 **Motion:** Rep. Bean moved that **HB 570 DO PASS.**

**Discussion:**

03:31:00 Chairman Himmelberger

03:31:11 **Substitute Motion/Vote:** Rep. Brown made a substitute motion that **HB 570 BE TABLED.** Substitute motion carried unanimously by voice vote. Rep. Van Dyk voted by proxy.

03:31:42 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 553**

03:31:53 **Motion:** Rep. Ingraham moved that **HB 553 DO PASS.**

**Discussion:**

03:31:56 Chairman Himmelberger

03:32:08 Rep. Wilmer

03:32:19 Chairman Himmelberger

03:32:21 Rep. Brown

03:32:44 Rep. Ingraham

03:33:20 Rep. Hands

03:33:48 Rep. Bean

03:34:04 **Substitute Motion/Vote:** Rep. Phillips made a substitute motion that **HB 553 BE TABLED**. Substitute motion carried 15-3 by voice vote with Rep. Boniek, Rep. Ingraham, and Rep. MacLaren voting no. Rep. Van Dyk voted by proxy.

03:34:38 Chairman Himmelberger

**EXECUTIVE ACTION ON HB 547**

03:35:04 **Motion:** Rep. Washburn moved that **HB 547 DO PASS**.

**Discussion:**

03:35:06 Chairman Himmelberger  
03:35:18 Rep. Dickenson  
03:36:39 Chairman Himmelberger  
03:36:50 Rep. Dickenson  
03:37:02 Rep. Phillips  
03:37:28 Chairman Himmelberger

03:37:31 **Motion:** Rep. Brown moved that **HB 547 BE AMENDED**.  
**EXHIBIT (sth39a08)**

**Discussion:**

03:37:45 Rep. Brown  
03:38:07 Chairman Himmelberger

03:38:24 **Vote:** Motion carried 16-2 by voice vote with Rep. Belcourt and Rep. Phillips voting no. Rep. Van Dyk voted by proxy.

03:38:51 **Motion:** Rep. Brown moved that **HB 547 DO PASS AS AMENDED**.

**Discussion:**

03:38:56 Chairman Himmelberger  
03:39:07 Rep. Wilmer

03:39:24 **Vote:** Motion failed 9-9 by roll call vote with Rep. Bean, Rep. Boniek, Rep. Brown, Rep. Hendrick, Rep. Himmelberger, Rep. Ingraham, Rep. MacLaren, Rep. O'Hara, and Rep. Washburn voting aye. Rep. Van Dyk voted by proxy.

03:40:22 **Motion/Vote:** Rep. Hands moved that **HB 547 BE TABLED.**  
Motion carried 13-5 by voice vote with Rep. Boniek,  
Rep. Brown, Rep. Himmelberger, Rep. MacLaren, and Rep.  
O'Hara voting no. Rep. Van Dyk voted by proxy.

03:41:01 Chairman Himmelberger

**ADJOURNMENT**

03:41:39 Adjournment: 11:42 A.M.

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Marshall McEwen, Secretary

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Additional Documents:

**EXHIBIT ([sth39aad.pdf](#))**