

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Pat Ingraham, on February 15, 2011 at 8:00 AM, in Room 455
Capitol

ROLL CALL

Members Present:

Rep. Pat Ingraham, Chairman (R)
Rep. Gerald (Jerry) Bennett, Vice Chairman (R)
Rep. Joanne G. Blyton (R)
Rep. Pat Connell (R)
Rep. Betsy Hands (D)
Rep. Douglas (Doug) Kary (R)
Rep. Dan Kennedy (R)
Rep. Jean Price (D)
Rep. Derek Skees (R)
Rep. Frank Smith (D)
Rep. Ted Washburn (R)

Members Excused: Rep. Franke Wilmer, Vice Chairman (D)
Rep. Bryce Bennett (D)
Rep. Gordon R. Hendrick (R)
Rep. James Knox (R)
Rep. Gary MacLaren (R)
Rep. Tom McGillvray (R)
Rep. Kathy Swanson (D)

Members Absent: None

Staff Present: Sheri Scurr, Legislative Branch
Tim Stark, 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 444, 2/11/2011; HB 431, 2/11/2011; HB 447, 2/11/2011; HB 483, 2/11/2011; HB 491, 2/11/2011; HB 521, 2/11/2011
Executive Action: HB 85, HB 116, HB 189, HB 122, HB 134, HB 135, HB 417

00:02:52 Rep. Gordon Hendrick entered the room.
00:03:02 Rep. Bryce Bennett entered the room.

HEARING ON HB 521

Opening Statement by Sponsor:

00:03:19 Rep. Michael (Mike) More (R), HD 70, opened the hearing on HB 521,
Referendum to revise judicial election laws.

[EXHIBIT\(sth37a01\)](#)

[EXHIBIT\(sth37a02\)](#)

00:05:02 Rep. James Knox entered the room.

Proponents' Testimony:

00:08:15 Sen. Joe Balyeat

Opponents' Testimony:

00:13:47 Ed Bartlett, Montana Judges Association

00:15:54 Niki Zupanic, American Civil Liberties Union Montana (ACLUMT)

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:25 Rep. Dan Kennedy
00:18:45 Rep. Derek Skees
00:19:32 Niki Zupanic
00:20:33 Rep. Bryce Bennett
00:21:00 Rep. Michael More
00:21:58 Rep. James Knox
00:22:23 Rep. Michael More
00:23:06 Rep. James Knox
00:23:24 Rep. Michael More
00:23:54 Rep. Betsy Hands
00:24:23 Rep. Michael More
00:25:40 Rep. Betsy Hands
00:26:01 Niki Zupanic
00:26:48 Rep. Franke Wilmer
00:27:14 Rep. Michael More
00:27:19 Rep. Franke Wilmer
00:27:42 Rep. Michael More
00:28:03 Rep. Frank Smith
00:28:28 Sen Joe Balyeat
00:28:34 Rep. Hands & Wilmer left the room.
00:29:12 Rep. Frank Smith
00:29:29 Rep. Joe Balyeat
00:30:37 Rep. Bryce Bennett

00:30:49 Niki Zupanic

Closing by Sponsor:

00:31:21 Rep. Michael More

HEARING ON HB 431

Opening Statement by Sponsor:

00:33:37 Rep. Keith Regier (R), HD 5, opened the hearing on HB 431, Eliminate state election day as a legal holiday.

Proponents' Testimony:

00:37:37 Cheryl Wood, Montana Association of Counties (MACo)

Opponents' Testimony:

00:40:45 Eric Feaver, Montana Education Association & Montana Federation of Teachers (MEA-MFT)

00:43:43 Tom Schneider, Montana Public Employee Association (MPEA)

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:57 Rep. James Knox

00:46:42 Eric Feaver

00:47:14 Rep. Pat Ingraham

00:48:17 Rep. Keith Regier

00:48:48 Rep. Pat Ingraham

00:49:01 Rep. Keith Regier

Closing by Sponsor:

00:49:11 Rep. Keith Regier

HEARING ON HB 444

Opening Statement by Sponsor:

00:50:18 Rep. Tom Burnett (R), HD 63, opened the hearing on HB 444, Create budget database website for taxpayer right to know.

00:51:29 Rep. Betsy Hands entered the room.

Proponents' Testimony:

00:53:29 William Biernat, Montanan's In Action

Opponents' Testimony: None**Informational Testimony:**

00:54:22 Jeff Brandt, Department of Administration (DOA)
[EXHIBIT\(sth37a03\)](#)

00:58:08 Terry Johnson, Legislative Fiscal Division

Questions from Committee Members and Responses:

00:58:34 Rep. James Knox
00:59:14 Jeff Brandt
01:00:08 Rep. James Knox
01:00:59 Jeff Brandt
01:02:05 Rep. Dan Kennedy
01:02:22 Jeff Brandt
01:02:57 Rep. Dan Kennedy
01:03:16 Jeff Brandt
01:03:48 Rep. Pat Connell
01:05:18 Terry Johnson
01:06:42 Rep. James Knox
01:07:07 Jeff Brandt
01:07:55 Rep. James Knox
01:08:21 Jeff Brandt
01:08:49 Rep. James Knox
01:09:15 Jeff Brandt
01:09:53 Rep. Derek Skees
01:10:12 Jeff Brandt
01:11:08 Rep. Derek Skees
01:11:26 Jeff Brandt
01:11:52 Rep. Derek Skees
01:12:28 Rep. Tom Burnett
01:12:42 Rep. Betsy Hands
01:13:37 Jeff Brandt
01:13:51 Rep. Dan Kennedy
01:14:01 Jeff Brandt
01:14:16 Rep. Dan Kennedy
01:14:26 Jeff Brandt
01:15:34 Rep. Dan Kennedy
01:15:39 Jeff Brandt
01:16:00 Rep. Betsy Hands
01:16:45 Rep. Tom Burnett
01:17:39 Rep. Betsy Hands
01:18:02 Rep. Tom Burnett
01:18:14 Rep. Betsy Hands

01:18:18 Rep. Tom Burnett

Closing by Sponsor:

01:19:01 Rep. Tom Burnett

HEARING ON HB 447

Opening Statement by Sponsor:

01:20:27 Rep. Bill Harris (R), HD 30, opened the hearing on HB 447, Recognize Ed McGivern as official Montana state shooter.

Proponents' Testimony:

01:25:27 Roger Lloyd, Helena, Montana

Opponents' Testimony:

[EXHIBIT\(sth37a04\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

01:33:49 Rep. Bryce Bennett

01:34:33 Rep. Bill Harris

Closing by Sponsor:

01:35:53 Rep. Bill Harris

HEARING ON HB 491

Opening Statement by Sponsor:

01:38:13 Rep. Mike Cuffe (R), HD 2, opened the hearing on HB 491, Allow cooperative purchasing from nonprofit educational procurement coops.

[EXHIBIT\(sth37a05\)](#)

Proponents' Testimony:

01:41:01 Mark Pulliom, Montana University System

01:45:12 Laura Humberger, Montana State University, Bozeman

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:47:27 Rep. Dan Kennedy
01:47:39 Mark Pulliom
01:47:51 Rep. Dan Kennedy
01:47:58 Mark Pulliom
01:48:07 Rep. Pat Connell
01:49:23 Rep. Ted Washburn
01:49:57 Rep. Mike Cuffe
01:50:55 Laura Humberger
01:51:32 Rep. Ted Washburn
01:51:43 Laura Humberger
01:52:40 Rep. Ted Washburn
01:53:03 Laura Humberger
01:53:47 Rep. Jerry Bennett
01:54:16 Laura Humberger
01:55:06 Rep. Jerry Bennett
01:55:34 Bill Johnston, Montana University System
01:56:16 Rep. Jerry Bennett

Closing by Sponsor:

01:56:38 Rep. Mike Cuffe

Committee Business:

02:17:14 Sheri Scurr

EXECUTIVE ACTION ON HB 85

02:19:29 **Motion:** Rep. G. Bennett moved that **HB 85 DO PASS.**

Discussion:

02:20:15 Rep. Betsy Hands
02:21:02 Rep. Jerry Bennett
02:21:29 Rep. Betsy Hands
02:22:32 Rep. James Knox
02:23:20 Rep. Betsy Hands

02:25:25 **Vote:** Motion failed 6-12 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting aye. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

02:26:10 **Motion/Vote:** Rep. G. Bennett moved that **HB 85 BE TABLED**. Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 116

02:27:38 **Motion:** Rep. G. Bennett moved that **HB 116 DO PASS**.

02:27:47 **Motion:** Rep. Ingraham moved that **HB 116 BE AMENDED**.

EXHIBIT(sth37a06)

02:30:08 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

02:31:26 **Motion:** Rep. G. Bennett moved that **HB 116 DO PASS AS AMENDED**.

Discussion:

02:31:38 Rep. Gordon Hendrick
02:32:30 Rep. Pat Ingraham
02:33:26 Rep. Jean Price
02:33:41 Rep. Pat Ingraham

02:34:34 **Vote:** Motion carried unanimously by roll call vote. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 189

Discussion:

02:36:01 Sheri Scurr

02:37:03 **Motion:** Rep. G. Bennett moved that **HB 189 DO PASS**.

02:37:12 **Motion:** Rep. Price moved that **HB 189 BE AMENDED**.

EXHIBIT(sth37a07)

Discussion:

02:39:02 Sheri Scurr
02:41:02 Rep. Derek Skees
02:41:19 Sheri Scurr
02:41:52 Rep. Pat Ingraham

02:42:07 **Vote:** Motion carried unanimously by voice vote. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

02:43:44 **Motion:** Rep. Ingraham moved that **HB 189 BE AMENDED**.

EXHIBIT(sth37a08)

Discussion:

02:44:33 Sheri Scurr
02:46:40 Rep. Derek Skees
02:47:14 Sheri Scurr
02:48:17 Rep. Betsy Hands
02:49:26 Rep. Pat Ingraham
02:49:45 Rep. Derek Skees
02:50:00 Rep. Pat Connell
02:50:12 Rep. Betsy Hands

02:51:46 **Vote:** Motion failed 4-14 by roll call vote with Rep. Ingraham, Rep. Kary, Rep. Knox and Rep. Skees voting aye. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

02:53:19 **Motion:** Rep. G. Bennett moved that **HB 189 DO PASS AS AMENDED**.

Discussion:

02:53:30 Rep. Betsy Hands

02:54:25 **Vote:** Motion failed 7-11 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Hendrick, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting aye. Rep. Kennedy, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

02:55:46 **Motion/Vote:** Rep. Kary moved that **HB 189 BE TABLED**. Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 122

02:57:42 **Motion:** Rep. G. Bennett moved that **HB 122 DO PASS**.

Discussion:

02:58:03 Sheri Scurr

02:58:32 **Motion:** Rep. Knox moved that **HB 122 BE AMENDED**.

EXHIBIT(sth37a09)

Discussion:

03:00:24 Rep. Pat Ingraham
03:00:42 Rep. James Knox
03:00:46 Sheri Scurr
03:00:52 Rep. Betsy Hands
03:02:48 Rep. Derek Skees
03:04:25 Rep. Joanne Blyton
03:04:35 Rep. Bryce Bennett
03:04:52 Rep. Betsy Hands
03:05:47 Rep. Pat Ingraham

03:06:08 **Vote:** Motion carried 15-3 by voice vote with Rep. Bennett, Rep. Price and Rep. Swanson voting no. Rep. MacLaren, Rep. McGillvray and Rep. Wilmer voted by proxy.

03:07:02 **Motion:** Rep. Connell moved that **HB 122 DO PASS AS AMENDED.**

Discussion:

03:07:20 Rep. Derek Skees
03:07:43 Rep. James Knox
03:07:54 Rep. Dan Kennedy

03:08:12 **Vote:** Motion carried 15-3 by roll call vote with Rep. Bennett, Rep. Kennedy and Rep. Price voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 134

03:09:56 **Motion:** Rep. G. Bennett moved that **HB 134 DO PASS.**

03:10:04 **Motion:** Rep. Knox moved that **HB 134 BE AMENDED.**
EXHIBIT(sth37a10)

Discussion:

03:10:46 Sheri Scurr
03:11:29 Rep. Betsy Hands
03:11:41 Sheri Scurr
03:12:10 Rep. Betsy Hands
03:12:16 Sheri Scurr
03:13:52 Rep. Betsy Hands
03:14:21 Rep. James Knox
03:15:04 Rep. Betsy Hands
03:15:18 Rep. Derek Skees
03:16:08 Rep. Betsy Hands
03:16:42 Rep. Bryce Bennett

- 03:17:19 Rep. Pat Ingraham
- 03:18:40 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.
- 03:20:06 **Motion/Vote:** Rep. G. Bennett moved that **HB 134 DO PASS AS AMENDED**. Motion carried 12-6 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. Hands, Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

EXECUTIVE ACTION ON HB 135

- 03:22:07 **Motion:** Rep. G. Bennett moved that **HB 135 DO PASS**.

Discussion:

- 03:22:18 Sheri Scurr
- 03:22:41 **Motion:** Rep. Knox moved that **HB 135 BE AMENDED**.
[EXHIBIT\(sth37a11\)](#)
- 03:23:29 **Vote:** Motion carried 13-5 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price, Rep. Swanson and Rep. Wilmer voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.
- 03:25:32 **Motion:** Rep. G. Bennett moved that **HB 135 DO PASS AS AMENDED**.

Discussion:

- 03:25:57 Rep. Pat Ingraham
- 03:26:26 **Vote:** Motion carried 16-2 by roll call vote with Rep. Bennett and Rep. Price voting no. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

Committee Business:

- 03:27:51 Rep. James Knox
- 03:28:07 Rep. Pat Ingraham

EXECUTIVE ACTION ON HB 417

- 03:28:29 **Motion/Vote:** Rep. G. Bennett moved that **HB 417 BE TABLED**. Motion carried unanimously by voice vote. Rep. MacLaren, Rep. McGillvray, Rep. Swanson and Rep. Wilmer voted by proxy.

ADJOURNMENT

03:29:10 Adjournment

Tim Stark, Secretary

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Additional Documents:

EXHIBIT([sth37aad.pdf](#))