

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Pat Ingraham, on February 18, 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. Franke Wilmer, Vice Chairman (D)  
Rep. Bryce Bennett (D)  
Rep. Joanne G. Blyton (R)  
Rep. Pat Connell (R)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Douglas (Doug) Kary (R)  
Rep. Dan Kennedy (R)  
Rep. Gary MacLaren (R)  
Rep. Jean Price (D)  
Rep. Derek Skees (R)  
Rep. Frank Smith (D)  
Rep. Kathy Swanson (D)  
Rep. Ted Washburn (R)

**Members Excused:** Rep. James Knox (R)  
Rep. Tom McGillvray (R)

**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 578, 2/17/2011; HB 580, 2/17/2011; HB 585, 2/17/2011  
Executive Action: HB 483, HB 489, HB 491, HB 521, HB 543, HB 545 ,HB 545 ,  
HB 556,HB 557 ,HB 578 ,HB 580 ,HB 189, HB 444

**HEARING ON HB 578****Opening Statement by Sponsor:**

00:02:23 Rep. Michele Reinhart (D), HD 97, opened the hearing on HB 578, Require written record to document legislative committee meetings.

**EXHIBIT(sth40a01)**

**Proponents' Testimony:**

00:06:45 Judy Meadows, State Law Library

00:10:35 Jennifer Hensley, Office of Political Practices

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:13:17 Rep. Pat Connell

00:14:13 Judy Meadows

00:15:37 Rep. Pat Connell

00:16:16 Jennifer Hensley

00:16:47 Rep. Jerry Bennett

00:17:05 Rep. Michele Reinhart

00:19:31 Rep. Ted Washburn

00:19:38 Rep. Dan Kennedy

00:20:12 Judy Meadows

00:20:51 Rep. Dan Kennedy

00:20:58 Rep. Betsy Hands

00:21:15 Judy Meadows

00:22:05 Rep. Betsy Hands

00:22:20 Rep. Gordon Hendrick

00:23:05 Judy Meadows

00:23:24 Rep. Gordon Hendrick

00:23:26 Judy Meadows

00:23:38 Rep. Derek Skees

00:24:04 Judy Meadows

00:24:48 Rep. Pat Ingraham

00:24:59 Susan Fox, Legislative Services Division (LSD)

00:25:49 Rep. Derek Skees

00:26:19 Rep. Pat Ingraham

00:26:50 Rep. Franke Wilmer

00:28:21 Sheri Scurr

00:29:00 Rep. Franke Wilmer

00:29:28 Rep. Pat Ingraham

00:29:47 Rep. Dan Kennedy

00:30:03 Judy Meadows

00:31:08 Rep. Dan Kennedy

00:31:22 Judy Meadows

00:31:41 Rep. Pat Ingraham  
00:31:50 Susan Fox  
00:32:47 Rep. Dan Kennedy  
00:32:53 Susan Fox

**Closing by Sponsor:**

00:33:28 Rep. Michele Reinhart  
**EXHIBIT(sth40a02)**  
  
00:35:43 Rep. Gary MacLaren  
00:36:24 Sheri Scurr  
00:37:06 Rep. Gary MacLaren  
00:37:18 Sheri Scurr  
00:37:26 Rep. Michele Reinhart  
00:38:05 Rep. Gary MacLaren  
00:38:18 Rep. Jerry Bennett  
00:38:50 Sheri Scurr  
00:39:21 Rep. Dan Kennedy  
00:39:45 Rep. Pat Ingraham  
00:39:50 Rep. Dan Kennedy  
00:40:03 Rep. Pat Ingraham

**HEARING ON HB 580**

**Opening Statement by Sponsor:**

00:40:27 Rep. Kathleen Williams (D), HD 65, opened the hearing on HB 580, Require Comm of Pol Practices & county attny to enforce robo-calling prohibition.

**Proponents' Testimony:**

00:44:16 Jennifer Hensley, Office of Political Practices (OPP)  
00:46:25 Leo Gallagher, Lewis & Clark County Attorney

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:52:20 Rep. Gordon Hendrick  
00:53:59 Jennifer Hensley  
00:54:41 Rep. Gordon Hendrick  
00:54:51 Jennifer Hensley  
00:56:25 Rep. Ted Washburn  
00:56:54 Jennifer Hensley  
00:57:15 Rep. Ted Washburn  
00:57:42 Jennifer Hensley  
00:59:31 Rep. Ted Washburn

01:00:12 Jennifer Hensley  
01:01:13 Rep. Jerry Bennett  
01:02:06 Rep. Kathleen Williams  
01:03:07 Rep. Dan Kennedy  
01:03:25 Leo Gallagher  
01:03:43 Rep. Gary MacLaren  
01:04:08 Leo Gallagher  
01:05:08 Rep. Derek Skees  
01:05:39 Leo Gallagher  
01:05:56 Rep. Derek Skees  
01:06:27 Leo Gallagher  
01:07:10 Rep. Betsy Hands  
01:07:23 Leo Gallagher

**Closing by Sponsor:**

01:08:37 Rep. Kathleen Williams

**EXECUTIVE ACTION ON HB 444**

Previously acted on 2/17/2011

01:32:01 **Motion:** Rep. G. Bennett moved that **HB 444 BE REMOVED FROM TABLED.**  
Motion carried 16-0 by roll call vote. Rep. Knox and Rep. McGilvray not voting.

**Discussion:**

01:32:36 Sheri Scurr

01:34:40 **Motion:** Rep. G. Bennett moved that **HB 444 DO PASS AS AMENDED**

**Discussion:**

01:34:50 Rep. Jerry Bennett  
01:35:54 Rep. Pat Connell  
01:36:27 Rep. Betsy Hands  
01:37:04 Rep. Derek Skees  
01:37:33 Rep. Betsy Hands  
01:38:10 Rep. Pat Ingraham  
01:38:25 Rep. Jerry Bennett  
01:39:21 Rep. Franke Wilmer

01:40:20 **Vote:** Motion carried unanimously by roll call vote. Rep. Knox and Rep. McGilvray voted by proxy.

**EXECUTIVE ACTION ON HB 483**

01:41:32 **Motion:** Rep. G. Bennett moved that **HB 483 DO PASS.**

**Discussion:**

01:42:02 Sheri Scurr  
01:42:20 Rep. Pat Ingraham  
01:43:05 Rep. Dan Kennedy  
01:43:22 Rep. Betsy Hands  
01:44:14 Sheri Scurr

01:44:47 **Vote:** Motion carried 14-4 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Price and Rep. Swanson voting no. Rep. Bennett, Rep. Knox and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 489**

01:46:06 **Motion:** Rep. G. Bennett moved that **HB 489 DO PASS.**

**Discussion:**

01:46:48 Rep. Pat Connell

01:47:44 **Motion:** Rep. Kennedy moved that **HB 489 BE AMENDED.**  
**EXHIBIT(sth40a03)**

**Discussion:**

01:48:03 Rep. Franke Wilmer

01:49:10 **Vote:** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Knox and Rep. McGillvray voted by proxy.

01:49:34 **Motion:** Rep. Kennedy moved that **HB 489 DO PASS AS AMENDED.**

**Discussion:**

01:49:49 Rep. Dan Kennedy

01:50:08 **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. Bennett, Rep. Knox and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 189**

- 01:51:26 Previously acted on 2/15/2011  
**Motion:** Rep. Wilmer moved that **HB 189 BE REMOVED FROM TABLED.**
- 01:53:04 **Vote:** Motion carried 16-2 by voice vote with Rep. Kennedy and Rep. Skees voting no. Rep. Knox and Rep. McGillvray voted by proxy.
- 01:55:00 **Motion:** Rep. Hands moved that **HB 189 DO PASS AS AMENDED.**
- 01:55:12 **Motion:** Rep. Hands moved that **HB 189 BE AMENDED.**  
**EXHIBIT(sth40a04)**

**Discussion:**

- 01:55:40 Rep. Pat Ingraham  
01:57:26 Rep. Derek Skees  
01:57:44 Rep. Pat Ingraham  
01:57:50 Rep. James Knox entered the room.  
01:57:48 Rep. Gary MacLaren  
01:57:54 Rep. Pat Ingraham
- 01:58:01 **Vote:** Motion carried unanimously by voice vote. Rep. McGillvray voted by proxy.

**Discussion:**

- 01:58:40 Rep. Dan Kennedy
- 01:58:59 **Motion:** Rep. B. Bennett moved that **HB 189 DO PASS AS AMENDED.**

**Discussion:**

- 01:59:21 Rep. James Knox  
01:59:30 Rep. Pat Ingraham  
01:59:47 Rep. Franke Wilmer  
02:00:05 Rep. James Knox
- 02:00:24 **Vote:** Motion carried 17-1 by roll call vote with Rep. Kennedy voting no. Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 491**

02:01:50 **Motion:** Rep. G. Bennett moved that **HB 491 DO PASS.**

**Discussion:**

02:01:58 Sheri Scurr

02:03:09 **Motion:** Rep. Kennedy moved that **HB 491 BE AMENDED.**  
**EXHIBIT(sth40a05)**

02:03:12 **Vote:** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

02:03:41 **Motion:** Rep. Kennedy moved that **HB 491 DO PASS AS AMENDED.**

**Discussion:**

02:03:55 Rep. Franke Wilmer

02:04:01 **Vote:** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 521**

02:04:37 **Motion:** Rep. G. Bennett moved that **HB 521 DO PASS.**

**Discussion:**

02:05:01 Rep. Pat Ingraham

02:05:11 Rep. James Knox

02:05:51 Rep. Franke Wilmer

02:07:08 Rep. Ted Washburn

02:07:25 Rep. Dan Kennedy

02:07:39 Rep. Pat Connell

02:08:31 **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. Bennett and Rep. McGillvray voted by proxy.

**Discussion:**

02:10:03 Sheri Scurr  
02:10:36 Rep. Jerry Bennett

### **EXECUTIVE ACTION ON HB 543**

02:10:55 **Motion:** Rep. G. Bennett moved that **HB 543 DO PASS.**

01:11:02 **Motion:** Rep. Ingraham moved that **HB 543 BE AMENDED.**  
**EXHIBIT**(sth40a06)

#### **Discussion:**

02:12:04 Sheri Scurr  
02:13:16 Rep. Pat Ingraham  
02:13:31 Sheri Scurr  
02:13:55 Rep. Douglas Kary  
02:14:19 Rep. Pat Ingraham  
02:14:24 Rep. Gary MacLaren  
02:14:59 Sheri Scurr  
02:15:41 Rep. Franke Wilmer  
02:16:13 Rep. Derek Skees

02:16:23 **Vote:** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

02:16:39 **Motion:** Rep. G. Bennett moved that **HB 543 DO PASS AS AMENDED.**

#### **Discussion:**

02:16:56 Rep. Derek Skees  
02:17:51 Rep. Jerry Bennett

02:18:17 **Vote:** Motion carried unanimously by roll call vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

### **EXECUTIVE ACTION ON HB 545**

02:19:19 **Motion:** Rep. G. Bennett moved that **HB 545 DO PASS.**

#### **Discussion:**

02:19:40 Sheri Scurr  
02:19:56 Rep. Pat Connell

02:20:50 **Vote:** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 556**

02:21:28 **Motion:** Rep. G. Bennett moved that **HB 556 DO PASS.**

**Discussion:**

02:21:41 Sheri Scurr  
02:22:05 Rep. Franke Wilmer

02:23:36 **Substitute Motion/Vote:** Rep. G. Bennett moved that **HB 556 BE TABLED.** Motion carried unanimously by voice vote. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 557**

02:24:04 **Motion:** Rep. G. Bennett moved that **HB 557 DO PASS.**

**Discussion:**

02:24:30 Rep. Derek Skees  
02:25:01 Rep. Pat Connell  
02:25:36 Rep. Frank Smith  
02:26:03 Rep. Franke Wilmer  
02:26:18 Rep. Ted Washburn  
02:26:34 Rep. Gary MacLaren

02:26:58 **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. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 578**

02:28:11 **Motion:** Rep. G. Bennett moved that **HB 578 DO PASS.**

**Discussion:**

02:28:16 Rep. Derek Skees

02:28:32 **Substitute Motion/Vote:** Rep. Skees moved that **HB 578 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. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**Discussion:**

02:31:19 Rep. Derek Skees

02:32:05 **Motion:** Rep. Wilmer moved that **HB 578 BE REMOVED FROM TABLED.**

**Discussion:**

02:32:21 Rep. Gary MacLaren

02:32:33 Rep. Pat Ingraham

02:33:04 **Vote:** Motion carried 13-2 by voice vote with Rep. Kennedy and Rep. Skees voting no.

02:33:38 **Motion:** Rep. Wilmer moved that **HB 578 DO PASS.**

**Discussion:**

02:33:01 Rep. Franke Wilmer

02:34:49 Rep. Pat Ingraham

02:35:41 Rep. Dan Kennedy

02:36:19 Rep. Derek Skees

02:36:57 Rep. Pat Connell

02:38:20 Rep. Gary MacLaren

02:38:53 Rep. Franke Wilmer

02:40:23 Rep. Ted Washburn

02:40:41 Rep. Gary MacLaren

02:42:47 Rep. Jerry Bennett

02:43:13 Rep. Pat Ingraham

02:44:05 Rep. Dan Kennedy

02:44:20 Rep. James Knox

02:44:26 Rep. Franke Wilmer

02:45:08 Rep. Frank Smith

02:45:34 **Motion/Vote:** Rep. G. Bennett moved that **HB 578 BE TABLED.** Motion carried 17-1 by voice vote with Rep. Knox voting no. Rep. Bennett, Rep. Hands and Rep. McGillvray voted by proxy.

**Discussion:**

02:46:23 Rep. Pat Ingraham

02:46:43 Rep. Franke Wilmer

**EXECUTIVE ACTION ON HB 580**

02:47:07 **Motion:** Rep. G. Bennett moved that **HB 580 DO PASS.**

**Discussion:**

02:47:21 Sheri Scurr

02:47:30 Rep. Derek Skees

02:47:56 Rep. Franke Wilmer  
02:48:19 Jennifer Hensley, (OPP)  
02:49:20 Rep. Pat Ingraham  
02:49:39 Rep. Derek Skees  
02:51:07 Rep. Franke Wilmer  
02:51:25 Rep. Bryce Bennett entered the room.  
02:52:08 Rep. James Knox  
02:52:23 Sheri Scurr  
02:52:42 Rep. James Knox  
02:53:17 Rep. Pat Ingraham  
02:53:35 Rep. Franke Wilmer  
02:53:45 Rep. James Knox  
02:54:15 Rep. Ted Washburn  
02:55:05 Rep. Gary MacLaren  
02:55:30 Rep. Jean Price  
02:56:13 Rep. Dan Kennedy  
02:56:23 Rep. Joanne Blyton  
02:57:25 Rep. Ted Washburn  
02:57:55 Rep. James Knox  
02:58:37 Rep. Franke Wilmer  
02:59:03 Jennifer Hensley  
02:59:30 Rep. Betsy Hands entered the room.  
03:01:30 Rep. Derek Skees  
03:03:15 Rep. Betsy Hands  
03:03:48 Rep. Dan Kennedy  
03:04:03 Rep. James Knox  
03:05:02 Rep. Franke Wilmer  
03:05:32 Rep. Gordon Hendrick  
03:07:45 Rep. James Knox  
03:07:58 Rep. Pat Ingraham

03:09:37 **Vote:** Motion failed 8-10 by roll call vote with Rep. Connell, Rep. Hands, Rep. Hendrick, Rep. MacLaren, Rep. McGillvray, Rep. Smith, Rep. Swanson and Rep. Wilmer voting aye. Rep. McGillvray voted by proxy.

03:10:15 **Motion/Vote:** Rep. G. Bennett moved that **HB 580 BE TABLED**. Motion carried 10-8 by roll call vote with Rep. Bennett, Rep. Hands, Rep. Kary, Rep. Knox, Rep. Price, Rep. Smith, Rep. Swanson and Rep. Wilmer voting no. Rep. McGillvray voted by proxy.

**Discussion:**

03:11:26 Rep. James Knox  
03:11:54 Rep. Franke Wilmer

**ADJOURNMENT**

03:12:14      Adjournment:

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Tim Stark, Secretary

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Additional Documents:

**EXHIBIT([sth40aad.pdf](#))**