

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** By **CHAIRMAN RICHARD SIMPKINS**, on March 22, 1995,  
at 9:00 a.m.

**ROLL CALL**

**Members Present:**

Rep. Richard D. Simpkins, Chairman (R)  
Rep. Matt Denny, Vice Chairman (Majority) (R)  
Rep. Dore Schwinden, Vice Chairman (Minority) (D)  
Rep. Matt Brainard (R)  
Rep. Patrick G. Galvin (D)  
Rep. Dick Green (R)  
Rep. Antoinette R. Hagener (D)  
Rep. Harriet Hayne (R)  
Rep. Sam Kitzenberg (R)  
Rep. Bonnie Martinez (R)  
Rep. Gay Ann Masolo (R)  
Rep. William Rehbein, Jr. (R)  
Rep. George Heavy Runner (D)  
Rep. Susan L. Smith (R)  
Rep. Carolyn M. Squires (D)  
Rep. Jay Stovall (R)  
Rep. Lila V. Taylor (R)  
Rep. Joe Tropila (D)

**Members Excused:** none

**Members Absent:** none

**Staff Present:** Sheri Heffelfinger, Legislative Council  
Christen Vincent, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: none  
Executive Action: SB 301 DO CONCUR,  
SB 249 DO CONCUR AS AMENDED

{Tape: 1; Side: A.}

**EXECUTIVE ACTION ON SB 301**

**Motion:** REP. BRAINARD moved to remove SB 301 from the table and  
reconsider action.

**Vote:** Motion carried 15-2 with REP. DORE SCHWINDEN and REP. SAM KITZENBERG voting no and REP. GEORGE HEAVY RUNNER as excused.

**Motion:** REP. BRAINARD moved do concur and to strike the amendments.

**Discussion:**

REP. BRAINARD stated he understood the bill as stating when the bill comes up as a constitutional amendment and is passed by one body or the other and the members are considering the amendment, it would be more appropriate to refer it to a board for a discussion so the whole house can debate it and see if it is appropriate for a constitutional amendment. He stated he believed that the committee should strike the amendments that were put on the day before so that the bill is in the form that it was when it was in the Senate.

REP. SQUIRES asked if the amendments in question were the ones introduced by the Governor's office and compromised positions between the sponsor and other people to make things more palatable.

REP. SIMPKINS stated he believed the amendments were the ones the sponsor had agreed to in the Senate and were proposed by the administration at the same time they agreed to them.

REP. SQUIRES stated with that being the case, she would have to oppose REP. BRAINARD'S motion. She stated the reason she opposed the motion was because there were three people who were involved in a collaborative effort to make a piece of legislation more comfortable and acceptable. She stated the amendments were put on once and she would have liked to see them remain on the bill in the spirit of cooperation of the three people.

REP. DENNY stated to REP. SQUIRES that the people who put the amendments on the bill didn't vote for it in the Senate. He asked why it wasn't amended in the Senate if that was the desire of the members.

REP. SQUIRES stated she believe the people in the process sometimes realize there are problems and try to go to the next house to try to correct the problem, have some discussion, and come to a compromise offered to the committee and hope the committee will do what is necessary and make the piece of legislation easier to live with.

REP. DENNY stated he would hope if the committee were to decide not to take the amendments off the bill the members of the Senate will then change their votes the second time around.

REP. SQUIRES stated she couldn't speak for the specific Senators but she believe they would have a better chance of having the bill be concurred in if the amendments were to stay on the bill.

REP. GALVIN stated there could be some costs that would have to be addressed by the legislature under this constitutional amendment. He stated these costs shouldn't be ignored by the legislature. He asked who is going to decide if they are or are not mandated.

REP. SIMPKINS stated when they deal with unfunded mandates, they manage something and tell them to set up a tax and provide the funding source.

REP. GALVIN asked if they do provide the funding source.

REP. SIMPKINS stated that was a good question. He said the solution for solving the problem could be by going to court.

REP. GALVIN stated that question should be answered as part of this bill.

Vote: Motion carried 11-7 with REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, and REP. TROPILA voting no.

Motion: REP. BRAINARD moved do concur on SB 301.

Vote: Motion carried 10-7 with REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, AND REP. TROPILA voting no and REP. MASOLO abstaining.

#### EXECUTIVE ACTION ON SB 249

Motion: REP. BILL REHBEIN moved to remove SB 249 from the table and reconsider action.

Vote: Motion carried 11-7 with REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, AND REP. TROPILA voting no.

Motion: REP. REHBEIN moved do concur and to amend the bill.

#### Discussion:

REP. SQUIRES stated she would be opposed to the proposed amendments due to the fact that these people were elected for a certain amount of time and they should allow them to carry out their time. She stated she felt they would pay dearly in the future with court action if these amendments were to pass. She stated that she didn't want to be responsible for telling people their votes didn't count. She stated for those reasons she couldn't support the amendments.

Vote: Motion carried 10-8 with REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, REP. TAYLOR, and REP. TROPILA voting no.


Motion: REP. REHBEIN moved do concur as amended on SB 249.

Vote: Motion carried 11-7 with REP. SCHWINDEN, REP. GALVIN, REP. HAGENER, REP. HEAVY RUNNER, REP. KITZENBERG, REP. SQUIRES, and REP. TROPILA voting no.

ADJOURNMENT

Adjournment: 9:20 a.m.

  
RICHARD SIMPKINS, Chairman

  
CHRISTEN VINCENT, Secretary

RS/cdv

# HOUSE OF REPRESENTATIVES

## State Administration

ROLL CALL

DATE March 22, 1995

NAME	PRESENT	ABSENT	EXCUSED
Rep. Dick Simpkin, Chairman	✓		
Rep. Matt Denny, Vice Chairman, Majority	✓		
Rep. Dore Schwinden, Vice Chair, Minority	✓		
Rep. Matt Brainard	✓		
Rep. Pat Galvin	✓		
Rep. Dick Green	✓		
Rep. Toni Hagener	✓		
Rep. Harriet Hayne	✓		
Rep. George Heavy Runner	✓		
Rep. Sam Kitzenberg	✓		
Rep. Bonnie Martinez	✓		
Rep. Gay Ann Masolo	✓		
Rep. Bill Rehbein	✓		
Rep. Susan Smith	✓		
Rep. Jay Stovall	✓		
Rep. Carolyn Squires	✓		
Rep. Lila Taylor	✓		
Rep. Joe Tropila	✓		

COMMITTEE FILE COPY

TABLED BILL

The HOUSE STATE ADMINISTRATION COMMITTEE TABLED SB 301, SB 249, by motion,  
on TUESDAY, March 21, 1995.

Christen Vincent  
(For the Committee)

CV

(For the Chief Clerk)

2:15

(Time)

3-21-95

(Date)

March 21, 1995 -- 2:13pm

Christen Vincent, Secretary

Phone: 4879



## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 301 (third reading copy -- blue) be concurred in.

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

Carried by: Rep. Forbes

Committee Vote:  
Yes 10, No 7.

660946SC.Hdh





## HOUSE STANDING COMMITTEE REPORT

March 22, 1995

Page 1 of 2

Mr. Speaker: We, the committee on State Administration report that Senate Bill 249 (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*  
Dick Simpkins, Chair

Carried by: Rep. Rehbein

And, that such amendments read:

1. Title, line 10.  
Following: "~~DELAYED~~"  
Insert: "A DELAYED"
2. Title, line 11.  
Strike: "DATES"  
Insert: "DATE"
3. Page 13, lines 7 through 9.  
Strike: Section 25 in its entirety  
Renumber: subsequent section
4. Page 13, line 11.  
Strike: "DATES"  
Insert: "date"
5. Page 13, lines 11 and 12.  
Strike: "(1)"  
Strike: "[SECTIONS 1 THROUGH 24] ARE"  
Insert: "[This act] is"
6. Page 13, line 12.  
Strike: "2001"  
Insert: "1996"

Committee Vote:

Yes 11, No 7.

661121SC.Hbk

7. Page 13, line 13.  
Strike: subsection (2) in its entirety

-END-

Amendments to Senate Bill No. 249  
Third Reading Copy

Requested by Rep. Rehbein  
For the Committee on House State Administration

Prepared by Sheri S. Heffelfinger  
March 22, 1995

1. Title, line 10.  
Following: "~~DELAYED~~"  
Insert: "A DELAYED"
2. Title, line 11.  
Strike: "DATES"  
Insert: "DATE"
3. Page 13, lines 7 through 9.  
Strike: Section 25 in its entirety  
Renumber: subsequent section
4. Page 13, line 11.  
Strike: "DATES"  
Insert: "date"
5. Page 13, lines 11 and 12.  
Strike: "(1)"  
Strike: "[SECTIONS 1 THROUGH 24] ARE"  
Insert: "[This act] is"
6. Page 13, line 12.  
Strike: "2001"  
Insert: "1996"
7. Page 13, line 13.  
Strike: subsection (2) in its entirety

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 3-22-95 BILL NO. SB NUMBER 249

MOTION: Rep. Rebin moved to remove the bill  
from the table & reconsider action.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓✓	
Rep. Matt Denny, Vice Chairman, Majority	✓✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓✓
Rep. Matt Brainard	✓✓	
Rep. Pat Galvin		✓✓
Rep. Dick Green	✓✓	
Rep. Toni Hagener		✓✓
Rep. Harriet Hayne	✓✓	
Rep. George Heavy Runner		✓✓
Rep. Sam Kitzenberg		✓✓
Rep. Bonnie Martinez	✓✓	
Rep. Gay Ann Masolo	✓✓	
Rep. Bill Rehbein	✓✓	
Rep. Susan Smith	✓✓	
Rep. Jay Stovall	✓✓	
Rep. Carolyn Squires		✓✓
Rep. Lila Taylor	✓	✓
Rep. Joe Tropila		✓✓

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE March 22, 1995 BILL NO. SB NUMBER 249

MOTION: Rep. Rehbein moved to concur as  
amended.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green	✓	
Rep. Toni Hagener		✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor	✓	
Rep. Joe Tropila		✓

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 3-22 BILL NO. SB NUMBER 301

MOTION: Rep. Brainard moved do concur.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green	✓	
Rep. Toni Hagener		✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo		
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor	✓	
Rep. Joe Tropila		✓

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 3-22-95 BILL NO. SB NUMBER 301

MOTION: Rep. Brainard moved to strike the amendments  
~~to the bill~~

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green	✓	
Rep. Toni Hagener		✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	<del>Order Book</del>	✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor	✓	
Rep. Joe Tropila		✓

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 3-22-95 BILL NO. SB NUMBER 201

MOTION: Rep. Brainard moved to remove the bill  
from the table & reconsider action.

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin	✓	
Rep. Dick Green	✓	
Rep. Toni Hagener	✓	
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner	excused	
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires	✓	
Rep. Lila Taylor	✓	
Rep. Joe Tropila	✓	



# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### State Administration

DATE 8-22-95 BILL NO. SB NUMBER 249

MOTION: Rep. Rehbein move the amendment

SB024901.ash

NAME	AYE	NO
Rep. Dick Simpkin, Chairman	✓	
Rep. Matt Denny, Vice Chairman, Majority	✓	
Rep. Dore Schwinden, Vice Chairman, Minority		✓
Rep. Matt Brainard	✓	
Rep. Pat Galvin		✓
Rep. Dick Green	✓	
Rep. Toni Hagener		✓
Rep. Harriet Hayne	✓	
Rep. George Heavy Runner		✓
Rep. Sam Kitzenberg		✓
Rep. Bonnie Martinez	✓	
Rep. Gay Ann Masolo	✓	
Rep. Bill Rehbein	✓	
Rep. Susan Smith	✓	
Rep. Jay Stovall	✓	
Rep. Carolyn Squires		✓
Rep. Lila Taylor		✓
Rep. Joe Tropila		✓