

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jeff Essmann, on January 20, 2015 at 8:00 AM, in Room 455
Capitol

ROLL CALL

Members Present:

Rep. Jeff Essmann, Chair (R)
Rep. Bill Harris, Vice Chair (R)
Rep. Casey Schreiner, Vice Chair (D)
Rep. Bryce Bennett (D)
Rep. Bob Brown (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Edward Greef (R)
Rep. Denise Hayman (D)
Rep. Jessica Karjala (D)
Rep. Debra Lamm (R)
Rep. Forrest Mandeville (R)
Rep. Wendy McKamey (R)
Rep. Dale Mortensen (R)
Rep. Jean Price (D)
Rep. Ray L. Shaw (R)
Rep. Kathy Swanson (D)
Rep. Susan Webber (D)

Members Excused:

Rep. Austin Knudsen (R)
Rep. Art Wittich (R)

Members Absent: None

Staff Present: Jennifer Petersen, Committee Secretary
Sheri Scurr, Legislative Branch

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 55, 1/12/2015; HB 116, 1/12/2015; HB 121, 1/12/2015; HB
124, 1/12/2015; HB 155, 1/12/2015

00:00:01 Chair Essmann

HEARING ON HB 55

Opening Statement by Sponsor:

00:02:24 Rep. Willis Curdy (D), HD 98, opened the hearing on HB 55, Provide that state fees charged by the secretary of state are non-refundable.

Proponents' Testimony:

00:03:15 Chair Essmann

00:03:28 Linda McCulloch, Montana Secretary of State (SOS)

00:04:09 *Rep. Wittich arrives*

[EXHIBIT\(sth12a01\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:05:35 Rep. Curdy

00:05:49 Chair Essmann

HEARING ON HB 121

Opening Statement by Sponsor:

00:06:20 Rep. Jessica Karjala (D), HD 48, opened the hearing on HB 121, Extend bond validating act.

00:08:41 Chair Essmann

Proponents' Testimony:

00:09:12 Mark Bruno, Department of Administration (DOA)

00:10:42 Chair Essmann

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:10:59 Rep. Wittich

00:11:58 Mark Bruno, DOA

00:12:21 Rep. Wittich

00:13:02 Mark Bruno, DOA

00:13:31 Chair Essmann

00:14:18 Rep. Wittich

00:14:47 Mark Bruno, DOA

00:14:56 Chair Essmann

Closing by Sponsor:

00:15:13 Rep. Karjala

00:15:22 Chair Essmann (*Rep. Karjala leaves*)

HEARING ON HB 124

Opening Statement by Sponsor:

00:16:03 Rep. Wendy McKamey (R), HD 23, opened the hearing on HB 124, Revise retirement plan laws to ensure federal tax qualification.

00:18:48 Chair Essmann

Proponents' Testimony:

00:19:09 Dore Schwinden, Public Employee Retirement Administration (PERA)

00:19:52 Melanie Symons, Public Employee Retirement Administration (PERA)

EXHIBIT(sth12a02)

00:26:48 Chair Essmann

00:26:55 Sheryl Wood, Montana Association of Counties (MACo)

00:27:22 Chair Essmann

00:27:26 Diane Fladmo, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

00:27:37 Chair Essmann

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:27:56 Rep. Garner

00:28:24 Dore Schwinden, PERA

00:29:00 Rep. Garner

00:29:06 Dore Schwinden, PERA

00:29:19 Rep. Garner

00:29:25 Dore Schwinden, PERA

00:29:39 Chair Essmann

00:30:20 Dore Schwinden, PERA

00:30:56 Chair Essmann

Closing by Sponsor:

00:31:06 Rep. McKamey

00:31:25 Chair Essmann

HEARING ON HB 155**Opening Statement by Sponsor:**

00:32:04 Rep. Moffie Funk (D), HD 82, opened the hearing on HB 155, Provide for the development of a digital archives plan.
00:35:13 Chair Essmann

Proponents' Testimony:

00:35:36 Jodie Foley, Montana Historical Society (MHS)
EXHIBIT(sth12a03)
00:40:54 Chair Essmann
00:41:01 Shantil Siaperas, Montana Association of Counties (MACo)
00:41:58 Chair Essmann

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:42:20 Rep. Mandeville
00:42:38 Rep. Funk
00:43:05 Rep. Mandeville
00:43:20 Rep. Funk
00:44:26 Chair Essmann
00:44:26 Rep. Wittich
00:45:02 Jodie Foley, MHS
00:45:47 Rep. Wittich
00:46:18 Jodie Foley, MHS
00:47:40 Rep. Wittich
00:48:32 Jodie Foley, MHS
00:49:30 Rep. Harris
00:50:27 Jodie Foley, MHS
00:51:48 Chair Essmann

Closing by Sponsor:

00:51:58 Rep. Funk
00:52:49 Chair Essmann

HEARING ON HB 116**Opening Statement by Sponsor:**

00:53:26 Rep. Bryce Bennett (D), HD 91, opened the hearing on HB 116, Exempt in-kind personal services by a political party.
00:53:53 *Rep. Shaw leaves*

Proponents' Testimony:

00:57:14 Chair Essmann
00:57:35 Jonathan Motl, Commissioner of Political Practices (CPP)
EXHIBIT(sth12a04)

00:58:34 *Rep. Shaw returns*
00:58:51 *Rep. Karjala returns*
00:59:00 *Rep. Greef leaves*
01:05:45 Chair Essmann
01:05:53 Braden Fitzgerald, Montana Public Interest Research Group (MontPIRG)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:06:41 Rep. Mandeville
01:07:41 Jonathan Motl, CPP
01:09:36 Rep. Mandeville
01:09:58 Jonathan Motl, CPP
01:10:12 Rep. Mandeville
01:10:26 Jonathan Motl, CPP
01:10:58 Rep. Wittich
01:12:09 Rep. B. Bennett
01:13:00 Rep. Wittich
01:13:38 Rep. B. Bennett
01:14:29 Rep. Harris
01:15:31 Jonathan Motl, CPP
01:16:55 Rep. Harris
01:17:37 Jonathan Motl, CPP
01:19:00 Chair Essmann
01:19:11 Jonathan Motl, CPP
01:19:48 Rep. Hayman
01:20:40 Rep. B. Bennett
01:21:48 Rep. Hayman
01:22:23 Rep. B. Bennett
01:22:45 Chair Essmann
01:23:25 Jonathan Motl, CPP
01:23:30 Chair Essmann
01:24:23 Jonathan Motl, CPP
01:24:38 Chair Essmann
01:25:11 Jonathan Motl, CPP
01:25:14 Chair Essmann
01:25:19 Jonathan Motl, CPP
01:25:57 Chair Essmann
01:26:15 Jonathan Motl, CPP
01:26:18 Chair Essmann
01:26:55 Jonathan Motl, CPP
01:27:00 Chair Essmann
01:27:38 Jonathan Motl, CPP
01:28:54 Chair Essmann
01:30:18 Jonathan Motl, CPP
01:30:44 *Rep. Wittich leaves*
01:31:26 Chair Essmann
01:31:32 Rep. McKamey

01:32:10 Jonathan Motl, CPP
01:32:40 Rep. McKamey
01:32:43 Jonathan Motl, CPP
01:33:42 Chair Essmann
01:34:40 Jonathan Motl, CPP
01:35:36 Chair Essmann

Closing by Sponsor:

01:35:55 Rep. B. Bennett
01:36:59 Chair Essmann, Recess

01:56:35 Chair Essmann, Reconvene

EXECUTIVE ACTION ON HB 55

01:57:14 **Motion:** Rep. Harris moved that **HB 55 DO PASS.**

Discussion:

01:57:24 Chair Essmann
01:57:26 Sheri Scurr, LSD
01:57:40 Chair Essmann

01:57:49 **Vote:** Motion carried unanimously by voice vote. Rep. Garner, Rep. Greef, Rep. Knudsen, Rep. McKamey and Rep. Wittich voted by proxy.

EXECUTIVE ACTION ON HB 121

01:58:42 Chair Essmann
01:59:05 **Motion:** Rep. Karjala moved that **HB 121 DO PASS.**

Discussion:

01:59:10 Chair Essmann
01:59:19 Sheri Scurr, LSD
01:59:23 *Rep. Garner returns*
01:59:30 Chair Essman

01:59:37 **Vote:** Motion carried unanimously by voice vote. Rep. Greef, Rep. Knudsen, Rep. McKamey and Rep. Wittich voted by proxy.

EXECUTIVE ACTION ON HB 124

02:00:25 Chair Essmann

02:00:39 **Motion:** Rep. Harris moved that **HB 124 DO PASS.**

Discussion:

02:00:47 Chair Essmann
02:00:50 Sheri Scurr, LSD
02:01:11 Chair Essmann

02:01:25 **Vote:** Motion carried unanimously by voice vote. Rep. Greef, Rep. Knudsen, Rep. McKamey and Rep. Wittich voted by proxy.

02:01:51 Chair Essmann
02:02:07 Rep. Funk
02:02:20 *Rep. McKamey returns*
02:02:37 Chair Essmann

EXECUTIVE ACTION ON HB 84

02:04:18 **Motion:** Rep. Harris moved that **HB 84 DO PASS.**

Discussion:

02:04:23 Chair Essmann
02:04:59 Sheri Scurr, LSD
02:05:16 Chair Essmann
02:05:24 Rep. B. Bennett
02:05:30 Chair Essmann

02:05:41 **Motion:** Rep. B. Bennett moved that **HB 84 BE AMENDED**
[EXHIBIT\(sth12a05\)](#)

Discussion:

02:05:58 Sheri Scurr, LSD
02:09:18 Chair Essmann
02:09:26 Sheri Scurr, LSD
02:09:32 Chair Essmann
02:09:40 Sheri Scurr, LSD
02:10:23 Chair Essmann

02:10:48 **Vote:** Motion carried unanimously by voice vote. Rep. Greef, Rep. Knudsen and Rep. Wittich voted by proxy.

02:11:18 *Rep. Greef returns*
02:11:22 Chair Essmann
02:11:30 Rep. McKamey
02:11:33 Chair Essmann

02:11:37 **Motion/Vote:** Rep. B. Bennett moved that **HB 84 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Wittich voted by proxy.

EXHIBIT(sth12a06)

02:13:09 **Motion:** Rep. B. Bennett moved that **HB 84 BE AMENDED**.

EXHIBIT(sth12a07)

02:13:41 Sheri Scurr, LSD

02:13:50 Chair Essmann

02:13:58 Sheri Scurr, LSD

02:17:32 Chair Essmann

02:17:54 Sheri Scurr, LSD

02:18:18 Chair Essmann

02:18:31 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Wittich voted by proxy.

02:19:03 Chair Essmann

02:19:11 **Motion:** Rep. B. Bennett moved that **HB 84 BE AMENDED**.

EXHIBIT(sth12a08)

02:19:31 Chair Essmann

02:19:35 Rep. B. Bennett

02:20:13 Sheri Scurr, LSD

02:24:58 Chair Essmann

02:24:59 Sheri Scurr, LSD

02:25:06 Rep. B. Bennett

02:25:35 **Substitute Motion:** Rep. Essmann made a substitute motion that **HB 84 BE AMENDED**

02:29:01 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Wittich voted by proxy.

02:29:38 **Motion:** Rep. Harris moved that **HB 84 DO PASS AS AMENDED**.

Discussion:

02:29:51 Rep. Garner

02:30:37 Chair Essmann

02:31:12 Linda Stoll, Montana Association of Clerks and Records and Election Administrators (MACREA)

02:32:49 Chair Essmann

02:32:57 Rep. Harris

02:33:46 Rep. Lamm

02:34:05 Chair Essmann

02:34:14 Rep. Lamm

02:34:19 Chair Essmann

02:34:23 Rep. Schreiner

02:34:30 **Vote:** Motion carried 19-1 by voice vote with Rep. Wittich voting no. Rep. Knudsen and Rep. Wittich voted by proxy.

02:34:56 Chair Essmann

EXECUTIVE ACTION ON HB 96

Discussion:

02:36:03 Rep. Harris
02:36:35 Chair Essmann
02:36:38 Rep. B. Bennett
02:37:00 Rep. Harris
02:37:32 Rep. Schreiner
02:38:22 Rep. Greef
02:38:44 Chair Essmann

02:39:09 **Motion:** Rep. Schreiner moved **TO DRAFT A COMMITTEE BILL**

Discussion:

02:39:31 Rep. Garner
02:39:52 Chair Essmann
02:40:18 Sheri Scurr, LSD
02:40:54 Rep. Mandeville
02:41:09 Chair Essmann
02:42:03 Rep. Funk
02:42:27 Chair Essmann

02:42:43 **Substitute Motion:** Rep. Schreiner made a substitute motion **TO DRAFT A REPEAL TO THE SECTIONS OF CODE DISCUSSED ON HB 96**

02:43:06 Chair Essmann

02:43:15 **Vote:** Motion carried 17-3 with Rep. Harris, Rep. Knudsen and Rep. Wittich voting no. Rep. Knudsen and Rep. Wittich voted by proxy.

02:45:33 Rep. Lamm
02:45:53 Chair Essmann
02:45:59 Rep. Mandeville
02:46:10 Chair Essmann
02:47:27 Sheri Scurr, LSD

EXHIBIT(sth12a09)

02:47:53 Chair Essmann
02:48:21 Sheri Scurr, LSD

EXHIBIT(sth12a10)

02:48:50 Chair Essmann

ADJOURNMENT

Adjournment: 02:49:01 (10:29 AM)

Jennifer Petersen, Secretary

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Additional Documents:

EXHIBIT([sth12aad.pdf](#))