

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Jeff Essmann, on January 23, 2015 at 9:00 A.M., 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)  
Rep. Art Wittich (R)

**Members Excused:**

Rep. Austin Knudsen (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 123, 1/13/2015; HB 69, 1/13/2015

00:00:01 Chair Essmann

### **HEARING ON HB 69**

#### **Opening Statement by Sponsor:**

00:01:46 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB 69, Update training requirements for election administrators.

#### **Proponents' Testimony:**

00:02:48 Chair Essmann

00:03:01 Linda McCulloch, Secretary of State (SOS)

#### **EXHIBIT(sth15a01)**

00:07:40 Bret Rutherford, Yellowstone County and Montana Association of Clerks and Recorders and Election Administrators (MACREA)

00:08:30 Chair Essmann

00:08:35 Audrey Dufrechou, Lewis & Clark County

00:11:12 Chair Essmann

00:11:20 Rebecca Connors, Missoula County

00:12:27 Chair Essmann

00:12:42 Chris Gallus, self

00:14:06 Chair Essmann

**Opponents' Testimony:** None

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

00:14:27 Rep. McKamey

00:15:07 Bret Rutherford, Yellowstone County and MACREA

00:15:26 Rep. McKamey

00:15:32 Bret Rutherford, Yellowstone County and MACREA

00:15:39 Rep. Wittich

00:16:08 Linda McCulloch, SOS

00:16:15 Rep. Wittich

00:17:19 Linda McCulloch, SOS

00:17:56 Chair Essmann

00:18:02 Rep. Wittich

00:19:13 Lisa Kimmet, Office of the Secretary of State (SOS)

00:20:45 Rep. Wittich

00:20:58 Lisa Kimmet, SOS

00:21:06 Chair Essmann

00:21:09 Rep. Lamm

00:21:39 Linda McCulloch, SOS

00:21:49 Rep. Lamm

00:22:01 Linda McCulloch, SOS

00:22:09 Rep. B. Bennett

00:22:25 Linda McCulloch, SOS

00:23:01 Chair Essmann

00:23:07 Rep. McKamey

00:23:26 Linda McCulloch, SOS  
 00:23:58 Rep. Lamm  
 00:24:17 Linda McCulloch, SOS  
 00:24:39 Chair Essmann  
 00:24:43 Rep. Wittich  
 00:25:03 Rep. Custer  
 00:25:35 Rep. Wittich  
 00:26:11 Rep. Custer  
 00:26:26 Brett Rutherford, Yellowstone County and MACREA  
 00:26:39 Chair Essmann  
 00:27:12 Rep. Custer

**Closing by Sponsor:**

00:27:17 Rep. Custer  
 00:28:18 Chair Essmann  
 00:29:03 Rep. Wittich  
 00:29:17 Chair Essmann

**HEARING ON HB 123****Opening Statement by Sponsor:**

00:29:36 Rep. Donald Jones (R), HD 46, opened the hearing on HB 123, Generally revise public records laws  
 00:32:12 Chair Essmann  
 00:32:17 Rep. D. Jones

**EXHIBIT(sth15a02)**

00:32:37 Chair Essmann

**Proponents' Testimony:**

00:32:58 John MacDonald, Montana Newspaper Association (MNA)  
 00:38:37 Chair Essmann  
 00:38:44 David Nielsen, Montana League of Cities and Towns (MLCT)

**EXHIBIT(sth15a03)**

00:43:01 Chair Essmann  
 00:43:08 Kevin Nelson, self  
 00:48:02 Chair Essmann  
 00:48:11 Jorge Quintana, Office of the Secretary of State (SOS)  
 00:48:40 Chair Essmann  
 00:48:50 Shantil Siaperas, Montana Association of Counties (MACo)  
 00:50:08 Chair Essmann  
 00:50:18 John Moore, self  
 00:55:35 Chair Essmann  
 00:55:51 *Rep. Garner leaves*

**Opponents' Testimony:**

00:55:57 John Alke, NorthWestern Energy

**EXHIBIT(sth15a04)**

01:04:06 Chair Essmann  
 01:04:17 Dave Galt, Montana Petroleum Association (MPA)

01:06:18 Chair Essmann  
01:06:23 Aimee Grmoljez, Montana-Dakota Utilities Company (MDU)  
01:07:28 Chair Essmann  
01:07:36 Rep. B. Bennett  
01:07:54 Chair Essmann

**Informational Testimony:**

01:08:12 Mary Baker, Office of the Commissioner of Political Practices (CPP)  
01:08:36 Jodie Foley, Montana Historical Society (MHS)  
01:10:17 Chair Essmann  
01:10:28 Jennie Stapp, Montana State Library (MSL)

**Questions from Committee Members and Responses:**

01:10:55 Rep. Hayman  
01:11:27 John Alke, NorthWestern Energy  
01:12:58 Rep. Hayman  
01:14:11 Rep. D. Jones  
01:15:11 Chair Essmann  
01:15:19 Rep. Garner  
01:15:45 Rep. D. Jones  
01:16:33 Rep. Garner  
01:16:48 Rep. Wittich  
01:18:11 Rep. D. Jones  
01:19:37 Rep. Wittich  
01:20:12 Rep. D. Jones  
01:20:30 Rep. Wittich  
01:21:35 Rep. D. Jones  
01:22:45 Rep. Wittich  
01:24:48 Rep. D. Jones  
01:24:58 Rep. Wittich  
01:25:57 David Nielsen, MLCT  
01:26:16 Rep. Karjala  
01:27:08 John Alke  
01:27:14 Rep. Karjala  
01:27:22 Chair Essmann  
01:29:08 Kevin Nelson, self

**Closing by Sponsor:**

01:29:26 Rep. D. Jones  
  
01:30:43 Chair Essmann  
01:32:08 Rep. Garner  
01:32:12 Chair Essmann  
01:32:15 Rep. Hayman  
01:32:21 Chair Essmann  
01:32:49 Rep. Shaw  
01:33:03 Chair Essmann, recessed

01:47:36 Reconvened

**EXECUTIVE ACTION ON HB 107**

01:48:08 Sheri Scurr, Legislative Services Division (LSD)

01:48:47 **Motion:** Rep. Harris moved that **HB 107 DO PASS.**

**Discussion:**

01:49:41 Chair Essmann

01:50:01 Sheri Scurr, LSD

**EXHIBIT(sth15a05)**

01:52:23 **Motion/Vote:** Rep. Harris moved that **HB 107 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

01:53:21 Sheri Scurr, LSD

**EXHIBIT(sth15a06)**

01:56:13 Chair Essmann

01:56:21 **Motion:** Rep. Harris moved that **HB 107 BE AMENDED.**

**Discussion:**

01:56:36 Rep. Garner

01:56:46 Sheri Scurr, LSD

01:58:28 Rep. Garner

01:58:28 Chair Essmann

01:58:46 Rep. Garner

01:58:54 Melanie Symons, Public Employees Retirement Association (PERA)

01:59:07 Chair Essmann

01:59:21 Sheri Scurr, LSD

01:59:31 Rep. Garner

01:59:39 Chair Essmann

01:59:49 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

02:00:14 Chair Essmann

02:00:19 Sheri Scurr, LSD

**EXHIBIT(sth15a07)**

02:01:49 **Motion/Vote:** Rep. Harris moved that **HB 107 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

02:02:25 Chair Essmann

02:02:30 **Motion/Vote:** Rep. Harris moved that **HB 107 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 85**

02:03:25 Chair Essmann  
02:04:00 Sheri Scurr, LSD  
02:04:36 Chair Essmann

02:04:43 **Motion:** Rep. Schreiner moved that **HB 85 DO PASS.**

**Discussion:**

02:05:00 Chair Essmann  
02:05:05 Rep. Wittich  
02:05:36 Chair Essmann

02:06:00 **Motion:** Rep. Wittich moved that **HB 85 BE AMENDED.**

02:06:10 Chair Essmann  
02:06:14 Rep. Schreiner  
02:06:38 Chair Essmann  
02:07:20 Without objection, Rep. Wittich withdrew the BE AMENDED motion.  
02:07:27 Chair Essmann  
02:07:52 Without objection, Rep. Schreiner withdrew the HB 85 DO PASS motion.

**EXECUTIVE ACTION ON HB 101**

02:08:23 Sheri Scurr, LSD  
02:09:23 Chair Essmann

02:09:27 **Motion:** Rep. Harris moved that **HB 101 DO PASS.**

**Discussion:**

02:09:36 Chair Essmann  
02:09:56 Rep. Garner  
02:10:12 Chair Essmann  
02:10:18 Rep. Garner  
02:10:24 Chair Essmann  
02:10:35 Sheri Scurr, LSD  
02:10:53 Rep. Garner  
02:11:02 Chair Essmann  
02:11:06 Rep. Garner  
02:11:39 Chair Essmann

02:11:44 **Motion:** Rep. Garner moved that **HB 101 BE AMENDED.**  
**EXHIBIT(sth15a08)**

**Discussion:**

02:13:16 Chair Essmann  
02:13:27 Rep. Wittich  
02:13:31 Chair Essmann  
02:14:11 Rep. Garner  
02:14:42 Rep. Wittich

- 02:16:42 Chair Essmann  
02:16:45 Rep. Garner  
02:16:56 Chair Essmann  
02:17:03 Rep. Garner  
02:17:09 Melanie Symons, PERA  
02:18:28 Chair Essmann  
02:18:35 Rep. Wittich  
02:19:56 Melanie Symons, PERA  
02:20:49 Rep. Wittich  
02:21:03 Chair Essmann  
02:21:10 Rep. Lamm  
02:21:45 Chair Essmann
- 02:22:01 **Vote:** Motion carried 13-7 by roll call vote with Rep. Brown, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen voted by proxy.
- 02:24:45 Chair Essmann
- 02:23:30 **Motion/Vote:** Rep. Garner moved that **HB 101 BE AMENDED**. Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.
- EXHIBIT(sth15a09)**
- 02:25:16 Chair Essmann
- 02:25:29 **Motion:** Rep. Harris moved that **HB 101 DO PASS AS AMENDED**.
- Discussion:**
- 02:25:50 Rep. B. Bennett  
02:26:47 Rep. Wittich  
02:27:58 Chair Essmann  
02:28:50 Rep. Garner  
02:29:00 Chair Essmann  
02:29:10 Rep. Garner  
02:29:19 Rep. B. Bennett  
02:29:36 Chair Essmann
- 02:30:27 **Vote:** Motion carried 14-6 by roll call vote with Rep. Brown, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 155**

- 02:32:33 **Motion:** Rep. Harris moved that **HB 155 DO PASS**.

**Discussion:**

- 02:32:37 Chair Essmann  
02:32:47 Rep. Funk

**EXHIBIT(sth15a10)**

02:33:45 Chair Essmann

02:34:15 Rep. Funk

[EXHIBIT\(sth15a11\)](#)

02:35:12 **Motion:** Rep. Funk moved that **HB 155 BE AMENDED.**

02:35:26 Chair Essmann

02:35:31 Sheri Scurr, LSD

02:35:56 Chair Essmann

02:36:08 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

02:36:30 **Motion/Vote:** Rep. Harris moved that **HB 155 DO PASS AS AMENDED.** Motion carried 17-3 by roll call vote with Rep. Brown, Rep. Mandeville and Rep. Wittich voting no. Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 54**

02:38:39 Sheri Scurr, LSD

02:39:01 Chair Essmann

02:39:09 **Motion:** Rep. Schreiner moved that **HB 54 DO PASS.**

#### **Discussion:**

02:39:21 Rep. Lamm

02:39:48 Chair Essmann

02:40:01 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 126**

02:40:27 Chair Essmann

02:40:47 Sheri Scurr, LSD

02:41:14 Chair Essmann

02:41:21 **Motion:** Rep. Schreiner moved that **HB 126 DO PASS.**

#### **Discussion:**

02:41:33 Rep. Mandeville

02:42:15 Rep. Wittich

02:43:00 Chair Essmann

02:43:04 Rep. Harris

02:43:47 Chair Essmann

02:43:52 Rep. Price

02:44:05 Chair Essmann

02:44:08 Rep. Hayman

02:44:21 Chair Essmann

02:44:33 Sheri Scurr, LSD  
02:45:02 Chair Essmann

02:45:13 **Vote:** Motion carried 14-6 by roll call vote with Rep. Brown, Rep. Essmann, Rep. Lamm, Rep. Mandeville, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 76**

02:46:30 Chair Essmann

02:46:52 **Motion:** Rep. Schreiner moved that **HB 76 DO PASS.**

**Discussion:**

02:47:06 Sheri Scurr, LSD  
02:48:17 Chair Essmann  
02:48:24 Rep. Harris  
02:49:09 Rep. Funk  
02:49:44 Rep. Harris  
02:50:18 Rep. Garner  
02:51:20 Rep. B. Bennett  
02:52:04 Rep. Garner  
02:52:59 Rep. B. Bennett  
02:53:47 Rep. Price

02:54:37 **Motion/Vote:** Rep. Mandeville moved that **HB 76 BE TABLED.** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen voted by proxy.

02:56:07 Sheri Scurr, LSD  
02:56:17 Chair Essmann  
02:57:25 Rep. Funk  
02:57:35 Chair Essmann

**ADJOURNMENT**

Adjournment: 02:57:54

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Jennifer Petersen, Secretary

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Additional Documents:

**EXHIBIT([sth15aad.pdf](#))**