

## MINUTES

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

### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Jeff Essmann, on January 30, 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. Bob Brown (R)  
Rep. Moffie Funk (D)  
Rep. Frank Garner (R)  
Rep. Edward Greef (R)  
Rep. Denise Hayman (D)  
Rep. Jessica Karjala (D)  
Rep. Austin Knudsen (R)  
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. Bryce Bennett (D)

**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 247, 1/23/2015; HB 283, 1/23/2015; HB 290, 1/23/2015

00:00:00 Chair Essmann

### **HEARING ON HB 283**

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

00:01:31 Rep. Keith Regier (R), HD 4, opened the hearing on HB 283, Revise absentee and mail ballot laws.

00:08:39 Chair Essmann

#### **Proponents' Testimony:** None

#### **Opponents' Testimony:**

00:09:01 Regina Plettenberg, Montana Association of Clerks and Recorders (MACR)

00:12:31 Chair Essmann

#### **Informational Testimony:** None

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

00:12:53 Rep. Wittich

00:13:18 Rep. Regier

00:13:32 Rep. Wittich

00:13:47 Rep. Regier

00:14:04 Rep. Mandeville

00:14:39 Regina Plettenberg, MACR

00:15:18 Rep. Greef

00:15:56 Rep. Regier

00:16:04 Rep. Greef

00:16:12 Rep. Regier

00:16:44 Rep. Greef

00:17:13 Rep. Regier

00:17:34 Rep. Karjala

00:18:00 Rep. Regier

00:18:18 Rep. Harris

00:19:08 Regina Plettenberg, MACR

00:20:24 Rep. Harris

00:20:37 Regina Plettenberg, MACR

00:21:14 Rep. Harris

00:21:36 Regina Plettenberg, MACR

00:22:13 Rep. Wittich

00:22:22 Chair Essmann

00:22:48 Rep. Wittich

00:23:31 Lisa Kimmet, Office of the Secretary of State (SOS)

00:24:58 Chair Essmann

#### **Closing by Sponsor:**

00:25:04 Rep. Regier

00:26:19 Chair Essmann

**HEARING ON HB 247****Opening Statement by Sponsor:**

00:26:37 Rep. Geraldine Custer (R), HD 39, opened the hearing on HB 247, Revise when ballots may be prepared for counting.  
00:28:26 Chair Essmann

**Proponents' Testimony:**

00:28:43 Regina Plettenberg, MACR

[EXHIBIT\(sth21a01\)](#)

[EXHIBIT\(sth21a02\)](#)

[EXHIBIT\(sth21a03\)](#)

00:35:17 Chair Essmann  
00:35:24 Audrey Dufrechou, Lewis & Clark County  
00:39:58 Chair Essmann  
00:40:03 Lisa Kimmet, Office of the Secretary of State (SOS)  
00:43:19 Chair Essmann  
00:43:29 Linda Stoll, Montana Association of Clerks and Recorders and Election Administrators (MACREA)  
00:45:53 Chair Essmann

**Opponents' Testimony:**

00:46:07 Becky Stockton, self  
00:49:16 Chair Essmann

**Informational Testimony:** None**Questions from Committee Members and Responses:**

00:49:33 Rep. B. Brown  
00:50:29 Rep. Custer  
00:51:17 Rep. B. Brown  
00:51:27 Rep. Custer  
00:51:30 Rep. Karjala  
00:52:16 Rep. Custer  
00:53:34 Rep. Karjala  
00:53:58 Rep. Custer  
00:55:13 Rep. Garner  
00:55:43 Rep. Custer  
00:55:56 Rep. Garner  
00:56:10 Linda Stoll, MACREA  
00:57:02 Rep. Garner  
00:57:15 Linda Stoll, MACREA  
00:57:36 Rep. Knudsen  
00:57:55 Linda Stoll  
00:58:02 Rep. Knudsen  
00:58:05 Linda Stoll, MACREA  
00:58:20 Rep. Wittich  
00:58:55 Audrey Dufrechou, Lewis & Clark County  
00:59:36 Rep. Wittich

01:01:24 Lisa Kimmet, SOS  
01:02:35 Rep. Wittich  
01:02:49 Lisa Kimmett, SOS  
01:03:11 Rep. Wittich  
01:03:34 Lisa Kimmett, SOS  
01:03:48 Rep. Hayman  
01:04:32 Chair Essmann  
01:04:36 Rep. Hayman  
01:05:06 Lisa Kimmett, SOS  
01:06:08 Rep. Funk  
01:06:53 Lisa Kimmett, SOS  
01:07:05 Rep. Custer  
01:08:25 Rep. Harris  
01:10:07 Linda Stoll, MACREA  
01:12:01 Rep. Schreiner  
01:12:59 Linda Stoll, MACREA  
01:13:06 Rep. Schreiner  
01:13:24 Lisa Kimmet, SOS  
01:13:39 Rep. Schreiner  
01:14:00 Lisa Kimmet, SOS  
01:14:10 Rep. Shaw  
01:14:32 Linda Stoll, MACREA  
01:14:36 Rep. Shaw  
01:14:41 Linda Stoll, MACREA  
01:14:49 Rep. Shaw  
01:14:57 Linda Stoll, MACREA  
01:15:08 Chair Essmann  
01:16:11 Lisa Kimmet, SOS  
01:16:18 Chair Essmann  
01:16:23 Lisa Kimmet, SOS  
01:16:41 Audrey Dufrechou, Lewis & Clark County  
01:16:55 Chair Essmann  
01:18:51 Rep. Custer  
01:20:00 Chair Essmann  
01:20:37 Rep. Custer  
01:21:01 Chair Essmann  
01:21:08 Rep. Schreiner  
01:22:06 Lisa Kimmet, SOS  
01:23:51 Rep. Schreiner  
01:24:22 Audrey Dufrechou, Lewis & Clark County  
01:24:48 Chair Essmann  
01:25:10 Audrey Dufrechou, Lewis & Clark County  
01:25:19 Rep. McKamey  
01:26:20 Lisa Kimmet, SOS  
01:27:09 Rep. McKamey  
01:27:26 Lisa Kimmet, SOS  
01:27:58 Chair Essmann

**Closing by Sponsor:**

01:28:04 Rep. Custer  
01:31:47 Chair Essmann

**HEARING ON HB 290****Opening Statement by Sponsor:**

01:33:01 Rep. Kerry White (R), HD 64, opened the hearing on HB 290, Maximize information integrity in government actions.

**EXHIBIT(sth21a04)**

01:38:19 Chair Essmann

**Proponents' Testimony:** None**Opponents' Testimony:**

01:38:43 Edward Beaudette, Montana Department of Transportation (MDT)  
01:46:12 Chair Essmann  
01:46:17 Mark Cadwallader, Montana Department of Labor and Industry (DLI)  
01:51:27 Chair Essmann  
01:51:34 David Nielsen, Montana League of Cities and Towns (MLCT)  
01:52:12 Chair Essmann

**Informational Testimony:**

01:52:25 Shantil Siaperas, Montana Association of Counties (MACo)  
01:52:49 Chair Essmann  
01:52:52 Jonathan Motl, Commissioner of Political Practices (CPP)  
01:54:40 Chair Essmann

**Questions from Committee Members and Responses:**

01:54:54 Rep. Garner  
01:55:24 Rep. White  
01:56:40 Rep. Wittich  
01:58:18 Rep. White  
02:01:03 Rep. Wittich  
02:01:59 Rep. White  
02:04:03 Chair Essmann

**Closing by Sponsor:**

02:04:11 Rep. White  
  
02:05:19 Chair Essmann, Recess (*Rep. B. Bennett arrives during recess*)  
02:21:01 Chair Essmann, Reconvene  
02:21:14 Rep. B. Bennett  
02:21:18 Chair Essmann  
02:21:20 Rep. B. Bennett  
02:21:50 Chair Essmann

**EXECUTIVE ACTION ON HB 198**

02:22:39 Sheri Scurr, Legislative Services Division (LSD)  
02:22:56 Chair Essmann

02:23:01 **Motion:** Rep. Harris moved that **HB 198 DO PASS.**

02:23:21 Chair Essmann  
02:23:24 Sheri Scurr, LSD  
02:23:45 Chair Essmann

02:23:51 **Motion:** Rep. Harris moved that **HB 198 BE AMENDED.**  
**EXHIBIT(sth21a05)**

02:24:09 Chair Essmann  
02:24:11 Sheri Scurr, LSD  
02:25:12 Chair Essmann

02:25:20 **Vote:** Motion carried unanimously by voice vote.

02:25:33 **Motion/Vote:** Rep. Harris moved that **HB 198 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 68**

02:26:00 Chair Essmann  
02:26:31 Sheri Scurr, LSD  
**EXHIBIT(sth21a06)**  
02:27:00 Chair Essmann

02:27:07 **Motion:** Rep. Harris moved that **HB 68 DO PASS.**

**Discussion:**

02:27:18 Chair Essmann  
02:27:23 Rep. Mandeville  
02:27:30 Chair Essmann  
02:28:02 Rep. B. Bennett  
02:28:21 Chair Essmann  
02:28:30 Rep. B. Bennett  
02:28:36 Chair Essmann

02:28:42 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 85**

02:28:58 Chair Essmann

02:31:18 **Motion:** Rep. Harris moved that **HB 85 DO PASS.**

02:31:26 Chair Essmann

02:31:31 Sheri Scurr, LSD

02:32:05 Chair Essmann

02:32:28 **Motion:** Rep. Harris moved that **HB 85 BE AMENDED.**  
**EXHIBIT(sth21a07)**

**Discussion:**

02:32:46 Chair Essmann

02:34:16 Rep. Garner

02:36:21 Chair Essmann

02:36:26 Rep. B. Brown

02:36:48 Chair Essmann

02:38:21 Rep. Schreiner

02:39:37 Rep. McKamey

02:40:02 Chair Essmann

02:40:12 Rep. McKamey

02:40:13 Chair Essmann

02:40:19 Rep. McKamey

02:40:20 **Vote:** Motion failed 9-11 by roll call vote with Rep. Brown, Rep. Essmann, Rep. Harris, Rep. Knudsen, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Wittich voting aye.

02:41:51 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 30**

02:42:40 Sheri Scurr, LSD  
**EXHIBIT(sth21a08)**

02:43:31 Chair Essmann

02:45:20 **Motion:** Rep. Schreiner moved that **HB 30 DO PASS.**

**Discussion:**

02:45:33 Rep. Mandeville

02:46:31 Rep. Funk

02:47:14 **Substitute Motion/Vote:** Rep. Harris made a substitute motion that **HB 30 BE TABLED.** Substitute Motion carried 13-7 by roll call vote with Rep. Bennett, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no.

02:48:56 Rep. Schreiner  
02:49:17 Chair Essmann  
02:49:30 Rep. Schreiner

**EXECUTIVE ACTION ON HB 116**

02:49:42 Chair Essmann

02:50:41 **Motion:** Rep. Schreiner moved that **HB 116 DO PASS.**

02:50:54 Sheri Scurr, LSD  
02:51:25 Chair Essmann

02:51:33 **Motion:** Rep. Garner moved that **HB 116 BE AMENDED.**  
**EXHIBIT(sth21a09)**

**Discussion:**

02:51:45 Chair Essmann  
02:52:16 Rep. B. Bennett  
02:52:33 Chair Essmann

02:52:37 **Vote:** Motion carried unanimously by voice vote.

02:52:56 **Motion:** Rep. Harris moved that **HB 116 DO PASS AS AMENDED.**

**Discussion:**

02:53:10 Rep. Wittich  
02:55:21 Rep. B. Bennett  
02:57:20 Chair Essmann

02:59:59 **Vote:** Motion failed 8-12 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye.

03:01:13 **Motion:** Rep. Garner moved that **HB 116 BE TABLED AND THE VOTE REVERSED.**

**EXECUTIVE ACTION ON HB 69**

03:01:50 Chair Essmann  
03:02:27 Sher Scurr, LSD  
03:02:48 Chair Essmann

03:02:56 **Motion:** Rep. Harris moved that **HB 69 DO PASS.**

03:03:07 **Motion:** Rep. Harris moved that **HB 69 BE AMENDED.**  
**EXHIBIT(sth21a10)**

**Discussion:**

03:03:22 Chair Essmann  
03:04:16 Rep. Schreiner  
03:04:58 Chair Essmann  
03:06:35 Rep. Lamm  
03:07:03 Rep. Knudsen  
03:07:38 Rep. Schreiner  
03:07:45 Chair Essmann

03:07:51 **Vote:** Motion carried unanimously by voice vote.

03:08:06 **Motion/Vote:** Rep. Harris moved that **HB 69 DO PASS AS AMENDED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 96**

03:08:47 Chair Essmann  
**EXHIBIT(sth21a11)**

03:10:07 **Motion:** Rep. Garner moved **TO DRAFT A COMMITTEE BILL..**

03:10:31 Chair Essmann  
03:10:38 Rep. Garner  
03:12:06 Rep. Schreiner  
03:12:18 Chair Essmann  
03:12:37 Rep. Garner

03:12:47 **Vote:** Motion carried unanimously by roll call vote.

03:13:54 Chair Essmann

03:14:15 **Motion/Vote:** Rep. Wittich moved that **HB 96 BE TABLED**. Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 48**

03:15:04 Chair Essmann

03:15:32 **Motion:** Rep. Harris moved that **HB 48 DO PASS**.

03:15:42 Chair Essmann

03:15:54 **Substitute Motion:** Rep. Garner made a substitute motion **TO POSTPONE TO A DAY CERTAIN**.

**Discussion:**

03:16:23 Chair Essmann  
03:16:57 Rep. Schreiner  
03:17:07 Rep. Garner  
03:17:12 Rep. Wittich  
03:17:34 Rep. Garner  
03:17:50 Chair Essmann

03:18:12 **Vote:** Motion carried 18-2 by voice vote with Rep. Funk and Rep. Schreiner voting no.

03:18:28 Chair Essmann  
03:18:44 Rep. Funk

**EXECUTIVE ACTION ON HB 131**

03:19:08 Chair Essmann  
**EXHIBIT(sth21a12)**

03:19:41 **Motion:** Rep. Schreiner moved that **HB 131 DO PASS.**

**Discussion:**

03:20:19 Chair Essmann  
03:20:23 Sheri Scurr, LSD  
03:20:53 Rep. Wittich  
03:21:31 Rep. Schreiner  
03:22:27 Chair Essmann  
03:22:29 Rep. Hayman  
03:22:50 Chair Essmann  
03:22:54 Rep. B. Bennett  
03:23:18 Chair Essmann

03:23:30 **Vote:** Motion failed 8-12 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye.

03:24:47 **Motion/Vote:** Rep. Wittich moved that **HB 131 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 209**

03:25:32 **Motion:** Rep. Schreiner moved that **HB 209 DO PASS.**

03:25:39 Chair Essmann  
03:25:43 Sheri Scurr, LSD  
03:26:03 Chair Essmann

**Discussion:**

03:26:09 Rep. Wittich  
03:27:24 Rep. Schreiner  
03:28:17 Chair Essmann  
03:28:22 Rep. Garner  
03:28:35 Rep. Lamm  
03:29:05 Chair Essmann  
03:29:08 Rep. Funk  
03:29:18 Chair Essmann  
  
03:29:56 **Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 216**

03:30:37 Chair Essmann  
03:30:45 **Motion:** Rep. Schreiner moved that **HB 216 DO PASS.**

**Discussion:**

03:30:53 Chair Essmann  
03:30:55 Sheri Scurr, LSD  
03:31:19 Chair Essmann  
03:31:23 Rep. B. Bennett  
03:32:08 Rep. Mandeville  
03:32:56 Chair Essmann  
03:33:00 Rep. Knudsen  
03:33:29 Rep. Shaw  
03:34:05 Rep. B. Brown  
03:34:47 Chair Essmann  
  
03:35:51 **Vote:** Motion failed 2-18 by roll call vote with Rep. Bennett and Rep. Hayman voting aye.  
  
03:37:14 **Motion/Vote:** Rep. Wittich moved that **HB 216 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote.  
  
03:37:45 *Rep. Knudsen leaves*

**EXECUTIVE ACTION ON HB 77**

03:38:00 Sheri Scurr, LSD  
03:38:23 **Motion:** Rep. Harris moved that **HB 77 DO PASS.**

**Discussion:**

03:38:41 Chair Essmann  
03:38:46 Rep. B. Brown

03:40:10 Rep. Mandeville  
03:41:03 Rep. Webber  
03:41:39 Rep. Funk  
03:42:19 Rep. B. Brown  
03:43:19 Rep. Funk  
03:44:04 Rep. B. Brown  
03:44:51 Rep. B. Bennett  
03:47:38 Rep. Hayman  
03:47:51 Chair Essmann  
03:47:56 Rep. Garner  
03:48:38 Chair Essmann  
03:51:28 Rep. Schreiner

03:52:14 **Vote:** Motion failed 8-12 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen voted by proxy.

03:53:33 **Motion/Vote:** Rep. B. Brown moved that **HB 77 BE TABLED AND THE VOTE REVERSED**. Motion carried 19-0 by voice vote. Rep. Knudsen was excused.

03:54:04 **Motion:** Rep. Essmann moved **TO DRAFT A COMMITTEE BILL**.

03:54:25 Rep. Funk  
03:54:52 Chair Essmann  
03:55:22 Rep. Wittich  
03:55:50 Chair Essmann  
03:56:54 Rep. Lamm  
03:57:06 Chair Essmann  
03:57:32 Rep. Garner  
03:57:36 Chair Essmann  
03:57:46 Rep. Harris  
03:58:36 Chair Esmman  
03:58:41 Rep. B. Brown  
03:58:54 Chair Essmann  
03:59:16 Rep. Schreiner

04:00:11 Without objection, Rep. Essmann withdrew the **TO DRAFT A COMMITTEE BILL** motion.

**ADJOURNMENT**

Adjournment: 04:00:52 (12:03 PM)

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Jennifer Petersen, Secretary

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Additional Documents:

**EXHIBIT([sth21aad.pdf](#))**