

MINUTES

MONTANA SENATE 64th LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Dee Brown, on March 25, 2015 at 2:35 PM, in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Dee Brown, Chair (R)
Sen. Roger Webb, Vice Chair (R)
Sen. Robyn Driscoll (D)
Sen. Jedediah Hinkle (R)
Sen. Douglas (Doug) Kary (R)
Sen. Sue Malek (D)
Sen. Lea Whitford (D)

Members Excused: None

Members Absent: None

Staff Present: Nadine Spencer, Committee Secretary
Rachel Weiss, 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 68, 3/20/2015; HB 211, 3/20/2015; HB 460, 3/20/2015; HB 578, 3/20/2015

Executive Action:

SB 279, Do Pass As Amended; **HB 101**, Be Concurred In As Amended, **HB 209**, Be Concurred In; **HB 288**, Be Concurred In; **HB 290**, Be Concurred In; **HB 331**, Be Concurred In; **HB 578**, Be Concurred In; **HB 460**, Be Concurred In; **HB 211**, Be Concurred In; **HB 68**, Be Concurred In; **HB 342**, Be Concurred In; **HB 381**, Be Concurred In As Amended; **HB 529**, Be Concurred In; **HB 562**, Be Concurred In As Amended; **HB 564**, Be Concurred In; **HB 575**, Be Concurred In; **HB 580**, Be Concurred In As Amended; **HJ 14**, Be Concurred In; **SB 391**, Tabled; **HB 400**, Be Concurred In As Amended

00:00:36 Chair Brown

EXECUTIVE ACTION ON SB 279

00:01:16 **Motion:** Sen. Webb moved that **SB 279 DO PASS.**

00:02:09 **Motion:** Sen. D. Brown moved that **SB 279 BE AMENDED.**
EXHIBIT(sts62a01)

Discussion:

00:02:25 Chair Brown

00:02:40 Rachel Weiss, Legislative Services Division (LSD)

00:02:45 Chair Brown

00:02:57 **Vote:** Motion carried unanimously by voice vote.

00:03:16 **Motion/Vote:** Sen. Webb moved that **SB 279 DO PASS AS AMENDED.** Motion carried 6-1 by voice vote with Sen. Whitford voting no.

EXECUTIVE ACTION ON HB 101

00:04:01 **Motion:** Sen. Webb moved that **HB 101 BE CONCURRED IN.**

Discussion:

00:04:13 Chair Brown

00:04:54 Rachel Weiss, Legislative Services Division (LSD)

00:05:07 **Motion:** Sen. D. Brown moved that **HB 101 BE AMENDED.**
EXHIBIT(sts62a02)

Discussion:

00:05:24 Ms. Weiss, LSD

00:05:50 **Vote:** Motion carried unanimously by voice vote.

00:06:03 **Motion/Vote:** Sen. Webb moved that **HB 101 BE CONCURRED IN AS AMENDED.** Motion carried 6-1 by voice vote with Sen. Hinkle voting no. Sen. Malek will carry the bill.

EXECUTIVE ACTION ON HB 209

00:07:16 **Motion:** Sen. Webb moved that **HB 209 BE CONCURRED IN.**

Discussion:

00:07:24 Chair Brown

00:09:09 Sen. Malek

00:09:20 Chair Brown
 00:09:26 Linda Stoll, Montana Association of Clerk and Recorders and Election Administrators (MACR)
 00:09:58 Chair Brown
 00:10:15 Mr. Stoll, MACR
 00:10:26 Chair Brown

 00:10:49 **Vote:** Motion carried 6-1 by voice vote with Sen. Hinkle voting no. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HB 288

00:11:27 **Motion:** Sen. Webb moved that **HB 288 BE CONCURRED IN.**

Discussion:

00:11:34 Chair Brown
 00:12:08 Sen. Malek

 00:12:41 **Vote:** Motion carried 6-1 by roll call vote with Sen. Webb voting no. Sen. Kary will carry the bill.

EXECUTIVE ACTION ON HB 290

00:13:29 **Motion:** Sen. Webb moved that **HB 290 BE CONCURRED IN.**

Discussion:

00:13:37 Chair Brown
EXHIBIT(sts62a03)

 00:15:18 Sen. Malek
 00:15:56 Chair Brown
 00:16:06 Sen. Whitford
 00:17:31 Chair Brown
 00:17:59 Sen. Kary
 00:18:24 Sen. Hinkle
 00:19:11 Sen. Whitford
 00:20:37 Sen. Hinkle
 00:21:29 Sen. Malek

 00:22:31 **Vote:** Motion carried 5-2 by roll call vote with Sen. Driscoll and Sen. Whitford voting no. Sen. Hinkle will carry the bill.

 00:23:09 Sen. Hinkle
 00:23:24 Chair Brown

Sen. Webb left the hearing.

EXECUTIVE ACTION ON HB 331

00:24:27 **Motion:** Sen. Malek moved that **HB 331 BE CONCURRED IN.**

Discussion:

00:24:46 Chair Brown

00:25:00 **Vote:** Motion carried 7-0 by voice vote. Sen. Webb voted by proxy. Sen. Whitford will carry the bill.

00:25:32 Sen. Malek

HEARING ON HB 578

Opening Statement by Sponsor:

00:27:29 Rep. Mike Lang (R), HD 33, opened the hearing on HB 578, Designate Northeast Montana Veterans Memorial Park on state maps.

Proponents' Testimony:

00:29:53 Dan Antonietti, state legislative chairman, Veterans of Foreign Wars of the United States

00:30:48 Tim Gavin, legislative chair, American Legion Department of Montana

00:31:16 Mervin Gunderson, Belgrade, national executive committeeman for the American Legion, Montana

00:32:13 Jim Higgins, Montana National Guard Association, Enlisted and Officer Associations

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:32:59 Sen. Kary

00:33:14 Rep. Lang

00:33:23 Sen. Kary

00:33:29 Rep. Lang

00:33:42 Chair Brown

00:33:58 Rep. Lang

Closing by Sponsor:

00:34:30 Rep. Lang

HEARING ON HB 460**Opening Statement by Sponsor:**

00:36:25 Rep. Robert (Bob) Mehlhoff (D), HD 22, opened the hearing on HB 460, Designate veterans' memorial in Great Falls as a Montana veterans' memorial.

[EXHIBIT\(sts62a04\)](#)

Proponents' Testimony:

00:39:07 Michael Winters, founding member, Montana Veterans Memorial (MVM)

00:42:37 Dwayne Nelson, Montana Veterans Association

00:44:32 Dan Antonietti, state legislative chairman, Veterans of Foreign Wars of the United States (VFW)

00:45:03 Jim Higgins, Montana National Guard Association, Enlisted and Officer Associations

00:47:22 Tim Gavin, American Legion Department of Montana

00:48:20 Mervin Gunderson, national executive committeeman for the American Legion, Montana

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:50:05 Sen. Malek

00:50:28 Mr. Antonietti, VFW

00:50:59 Chair Brown

00:51:21 Rep. Mehlhoff

00:51:37 Mr. Winters, MVM

00:52:15 Chair Brown

Closing by Sponsor:

00:52:23 Rep. Mehlhoff

HEARING ON HB 211**Opening Statement by Sponsor:**

00:54:28 Rep. Kirk Wagoner (R), HD 75, opened the hearing on HB 211, Require POW/MIA flag be displayed at certain times and places.

[EXHIBIT\(sts62a05\)](#)

Proponents' Testimony:

00:58:32 Dan Antonietti, state legislator chairman, Veterans of Foreign Wars of the United States

01:00:01 Chair Brown

01:00:39 Dick Juvik, commander, American Legion, Post 2, Helena

[EXHIBIT\(sts62a06\)](#)

01:06:46 Tim Gavin, Department of Montana American Legion

01:08:20 Mervin Gunderson, national executive committeeman, American Legion

01:09:30 Karen Semple, American Legion

01:10:34 Shantil Siaperas, Montana Association of Counties (MACo)

01:11:13 Jim Higgins, Montana National Guard Association

01:13:07 Linda Juvik, self, The American Legion Auxiliary

[EXHIBIT\(sts62a07\)](#)

01:15:47 Olivia Tooley, Montana POW/MIA Remembrance Association; American Legion

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:17:11 Rep. Wagoner

HEARING ON HB 68

Opening Statement by Sponsor:

01:19:18 Rep. Kathy Kelker (D), HD 47, opened the hearing on HB 68, Revising protections for military service in the National Guard.

01:23:07 Sen. Webb entered the hearing.

Proponents' Testimony:

01:22:39 Major General Matt Quinn, adjutant general of the Montana National Guard (MNG) and director, of the Department of Military Affairs (DMA)

[EXHIBIT\(sts62a08\)](#)

01:24:04 Dan Antonietti, state legislative chairman, Veterans of Foreign Wars of the United States

01:25:15 Jim Higgins, Montana National Guard Association

Opponents' Testimony: None

Informational Testimony:

01:26:54 Captain Mike Talia, judge advocate, Department of Military Affairs

Questions from Committee Members and Responses:

01:27:30 Chair Brown
 01:28:16 Mr. Quinn, DMA
 01:29:37 Chair Brown
 01:29:45 Mr. Quinn

Closing by Sponsor:

01:30:17 Rep. Kelker
 01:31:56 Recess
 01:33:58 Reconvene

EXECUTIVE ACTION ON HB 578

01:34:26 **Motion:** Sen. Malek moved that **HB 578 BE CONCURRED IN.**

Discussion:

01:34:45 Chair Brown
 01:34:58 Sen. Kary
 01:35:36 Chair Brown
 01:36:00 Rachel Weiss, Legislative Services Division
 01:36:09 Chair Brown

01:36:37 **Vote:** Motion carried 7-0 by voice vote. Sen. Brenden will carry the bill.

EXECUTIVE ACTION ON HB 460

01:37:18 **Motion:** Sen. Webb moved that **HB 460 BE CONCURRED IN.**

Discussion:

01:37:28 Chair Brown
 01:38:04 Sen. Kary
 01:38:11 Sen. Malek
 01:39:23 Chair Brown
 01:39:37 Sen. Whitford
 01:40:20 Chair Brown

01:40:28 **Vote:** Motion carried 7-0 by voice vote. Sen. Hamlett will carry the bill.

EXECUTIVE ACTION ON HB 211

01:41:07 **Motion:** Sen. Webb moved that **HB 211 BE CONCURRED IN.**

Discussion:

01:41:21 Chair Brown

01:42:16 **Vote:** Motion carried 7-0 by voice vote. Sen. Larsen will carry the bill.

EXECUTIVE ACTION ON HB 68

01:42:53 **Motion:** Sen. Webb moved that **HB 68 BE CONCURRED IN.**

Discussion:

01:43:57 Chair Brown

01:43:41 **Vote:** Motion carried 7-0 by voice vote. Sen. Driscoll will carry the bill.

EXECUTIVE ACTION ON HB 342

01:44:59 **Motion:** Sen. Webb moved that **HB 342 BE CONCURRED IN.**

Discussion:

01:45:08 Chair Brown

01:45:24 Sen. Malek

01:46:27 Chair Brown

01:47:32 Sen. Malek

01:48:29 Chair Brown

01:48:58 Sen. Webb

01:49:12 Chair Brown

01:49:30 Sen. Hinkle

01:49:44 Sen. Malek

01:50:10 Sen. Kary

01:51:03 Sen. Hinkle

01:51:08 Sen. Kary

01:51:12 Chair Brown

01:51:17 Sen. Kary

01:51:31 Sen. Malek

01:52:02 Chair Brown

01:52:15 Sen. Hinkle

01:52:30 Chair Brown

01:53:10 Sen. Kary

01:53:35 Sen. Malek

01:54:13 Sen. Kary

01:55:03 **Vote:** Motion carried 4-3 by roll call vote with Sen. Brown, Sen. Hinkle and Sen. Webb voting no. Sen. Kary will carry the bill.

EXECUTIVE ACTION ON HB 381

01:56:01 **Motion:** Sen. Webb moved that **HB 381 BE CONCURRED IN.**

01:56:43 **Motion:** Sen. D. Brown moved that **HB 381 BE AMENDED.**

EXHIBIT(sts62a09)

Discussion:

01:56:59 Rachel Weiss, Legislative Services Division
01:59:27 Chair Brown

01:59:55 **Vote:** Motion carried unanimously by roll call vote.

02:00:45 **Motion:** Sen. Webb moved that **HB 381 BE CONCURRED IN AS AMENDED.**

02:01:14 **Motion:** Sen. D. Brown moved that **HB 381 BE AMENDED.**
EXHIBIT(sts62a10)

Discussion:

02:01:30 Ms. Weiss, LSD
02:03:16 Sen. Whitford

02:04:05 **Vote:** Motion carried 6-1 by voice vote with Sen. Whitford voting no.

02:04:23 **Motion:** Sen. Webb moved that **HB 381 BE CONCURRED IN AS AMENDED.**

Discussion:

02:04:45 Sen. Whitford
02:05:47 Sen. Hinkle
02:07:04 Sen. Malek
02:10:16 Chair Brown
02:11:05 Sen. Malek
02:12:15 Chair Brown

02:12:22 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no. Sen. Hinkle will carry the bill.

02:13:11 Chair Brown
02:13:39 Rachel Weiss

Sen. Hinkle left the hearing.

EXECUTIVE ACTION ON HB 529

02:13:57 **Motion:** Sen. Webb moved that **HB 529 BE CONCURRED IN.**

Discussion:

02:14:20 Chair Brown
02:14:36 Sen. Hinkle
02:14:55 Sen. Driscoll
02:15:25 Chair Brown

02:15:57 **Vote:** Motion carried 7-0 by voice vote. Sen. Hinkle voted by proxy. Sen. Whitford will carry the bill.

Sen. Hinkle entered the hearing.

EXECUTIVE ACTION ON HB 562

02:16:35 **Motion:** Sen. Webb moved that **HB 562 BE CONCURRED IN.**

02:17:20 **Motion:** Sen. D. Brown moved that **HB 562 BE AMENDED.**
EXHIBIT(sts62a11)

Discussion:

02:17:29 Rachel Weiss, Legislative Services Division (LSD)

02:18:01 **Vote:** Motion carried unanimously by voice vote.

02:18:18 **Motion:** Sen. Webb moved that **HB 562 BE CONCURRED IN AS AMENDED.**

Discussion:

02:18:31 Chair Brown
EXHIBIT(sts62a12)

02:19:33 Sen. Whitford
02:22:15 Chair Brown
02:22:54 Sen. Whitford
02:28:16 Chair Brown
02:29:06 Sen. Whitford
02:29:33 Chair Brown
02:30:08 Sen. Whitford

02:30:51 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no. Sen. Hansen will carry the bill.

EXECUTIVE ACTION ON HB 564

02:31:34 **Motion:** Sen. Webb moved that **HB 564 BE CONCURRED IN.**

Discussion:

Sen. Webb left the hearing.

02:31:42 Chair Brown
02:31:58 Sen. Malek

02:32:38 **Vote:** Motion carried 7-0 by voice vote. Sen. Webb voted by proxy. Sen. Malek will carry the bill.

EXECUTIVE ACTION ON HB 575

02:33:07 **Motion:** Sen. Driscoll moved that **HB 575 BE CONCURRED IN.**

Discussion:

02:33:23 Chair Brown
02:33:30 Sen. Malek
02:34:45 Chair Brown
02:35:07 Sen. Hinkle
02:35:42 Rachel Weiss, Legislative Services Division (LSD)
02:36:17 Sen. Hinkle
02:36:40 Sen. Whitford
02:40:05 Sen. Hinkle
02:41:42 Sen. Kary
02:41:50 Sen. Driscoll

02:41:58 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no. Sen. Webb voted by proxy. Sen. Hansen will carry the bill.

EXECUTIVE ACTION ON HB 580

02:43:11 **Motion:** Sen. Kary moved that **HB 580 BE CONCURRED IN.**

02:43:38 **Motion:** Sen. Kary moved that **HB 580 BE AMENDED.**
EXHIBIT(sts62a13)

Discussion:

02:44:00 Sen. Kary
02:44:10 Chair Brown
02:44:24 Sen. Hinkle
02:44:47 Chair Brown
02:45:00 Sen. Whitford
02:45:10 Chair Brown
02:45:15 Sen. Whitford
02:45:21 Sen. Kary
02:45:41 Chair Brown
02:45:45 Sen. Hinkle
02:46:17 Sen. Whitford

02:46:45 **Vote:** Motion failed 3-4 by roll call vote with Sen. Brown, Sen. Kary and Sen. Webb voting aye. Sen. Webb voted by proxy.

02:47:18 Chair Brown

02:47:41 **Vote:** Motion carried 7-0 by voice vote. Sen. Webb voted by proxy. Sen. Webb will carry the bill.

EXECUTIVE ACTION ON HJ 14

02:48:21 **Motion:** Sen. Malek moved that **HJ 14 BE CONCURRED IN.**

Discussion:

02:48:41 Sen. Malek
02:49:23 Sen. Hinkle
02:49:38 Chair Brown
02:50:47 Sen. Malek
02:51:17 Sen. Whitford

02:51:54 **Vote:** Motion carried 7-0 by voice vote. Sen. Webb voted by proxy. Sen. Swandal will carry the bill.

EXECUTIVE ACTION ON SB 391

02:52:30 Chair Brown
EXHIBIT(sts62a14)

02:53:16 **Motion:** Sen. Kary moved that **SB 391 BE TABLED.**

Discussion:

02:53:27 Chair Brown

02:53:37 **Vote:** Motion carried unanimously by voice vote. Sen. Webb voted by proxy.

EXECUTIVE ACTION ON HB 400

Discussion:

02:53:56 Sen. Kary
02:54:12 Sen. Hinkle

02:54:20 **Motion:** Sen. Kary moved that **HB 400 BE CONCURRED IN.**

Discussion:

02:54:29 Rachel Weiss, Legislative Services Division (LSD)

02:54:33 **Substitute Motion:** Sen. Kary made a substitute motion that **HB 400 BE REMOVED FROM TABLE.**

Discussion:

02:54:39 Chair Brown
02:54:48 Ms. Weiss, LSD

02:55:14 **Substitute Motion:** Sen. Kary moved to **RECONSIDER THE PREVIOUS ACTION** on **HB 400**.

Discussion:

02:55:28 Ms. Weiss

02:56:33 Chair Brown

02:56:37 **Vote:** Motion carried 5-2 by roll call vote with Sen. Brown and Sen. Hinkle voting no. Sen. Webb voted by proxy.

02:57:02 **Motion:** Sen. Kary moved that **HB 400 BE CONCURRED IN**.

Discussion:

02:56:48 Ms. Weiss

02:57:19 Sen. Hinkle

02:59:16 Chair Brown

03:00:04 Ms. Weiss

EXHIBIT(sts62a15)

03:00:49 Sen. Kary

03:01:27 Ms. Weiss

03:01:45 Sen. Kary

03:01:54 Sen. Malek

03:02:55 Sen. Kary

03:03:17 Ms. Weiss

03:03:56 Chair Brown

03:04:07 Sen. Hinkle

03:04:13 Ms. Weiss

03:04:36 Sen. Whitford

03:04:41 Chair Brown

03:04:55 Sen. Kary

03:05:20 Ms. Weiss

03:05:34 Sen. Malek

03:06:18 Chair Brown

03:06:48 Sen. Whitford

03:07:11 Sen. Kary withdrew his motion.

03:07:15 **Motion:** Sen. Kary moved that **HB 400 BE CONCURRED IN AS AMENDED**.

Discussion:

03:07:20 Chair Brown

03:07:31 Ms. Weiss

03:07:37 **Vote:** Motion carried 5-2 by roll call vote with Sen. Brown and Sen. Hinkle voting no. Sen. Webb voted by proxy. Sen. Kary will carry the bill.

Committee Business:

03:08:32 Chair Brown
03:10:03 Rachel Weiss, Legislative Services Division
03:10:21 Chair Brown

ADJOURNMENT

Adjournment: 5:45 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT([sts62aad.pdf](#))