

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON COMMITTEES

Call to Order: By **CHAIRMAN MIKE WHEAT**, on April 19, 2005 at 8:15 A.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Mike Wheat, Chairman (D)
Sen. Jim Elliott (D)
Sen. Jeff Mangan (D)
Sen. Glenn Roush (D)
Sen. Don Ryan (D)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Annie Glover, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: None.

SEN. WHEAT asked for a motion on the Legislative Audit Committee.

Motion: SEN. ELLIOTT moved that SEN. ELLIOTT, SEN. MOSS, SEN. HARRINGTON, SEN. STAPLETON, SEN. BRUEGGEMAN AND SEN. BALLYEAT BE NOMINATED FOR THE LEGISLATIVE AUDIT COMMITTEE.

Motion/Vote: SEN. TOOLE moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. WHEAT stated that the Committee will select two members of the Finance Committee. He explained that SEN. COONEY and SEN. COBB had both selected it as their top choices. SEN. WHEAT went on to explain that SEN. COONEY will pick four more members.

Motion: SEN. TOOLE moved that SEN. COONEY AND SEN. COBB BE NOMINATED FOR THE LEGISLATIVE FINANCE COMMITTEE.

Motion/Vote: SEN. MANGAN moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. WHEAT explained that the Committee appoints four members to the Economic Affairs Committee: two Republicans and two Democrats. SEN. ROUSH thought that SEN. MANGAN and SEN. COCCHIARELLA would be good choices on the Democrat side.

SEN. WHEAT said that since this is the only other committee that SEN. COCCHIARELLA wanted to serve on, and since it was SEN. HANSEN'S top choice, he would recommend SEN. COCCHIARELLA and SEN. HANSEN. SEN. WHEAT also recommended, for the Republicans, SEN. BLACK, since it was his second choice, and SEN. STEINBEISSER, since it was his first choice.

SEN. ROUSH disagreed by saying that SEN. MANGAN should be on that committee because he was on that Committee before and that experience should stay on the Committee. He said that SEN. COCCHIARELLA should also be on Economic Affairs because of her background in Worker's Comp.

SEN. MANGAN asked SEN. ROUSH if he wanted to continue to serve on Economic Affairs. SEN. ROUSH said that he did not.

SEN. ROUSH continued and said that he knew that it was necessary to bring new people on these committees, but he didn't want to throw away all the experience. **SEN. ROUSH** also said that he would support **SEN. LEWIS** on the Committee over **SEN. STEINBEISSER** or **SEN. BLACK**.

SEN. WHEAT responded and said that causes a problem for **SEN. STEINBEISSER** who then may not get assigned to anything in the interim.

SEN. ROUSH explained that this Committee cannot accommodate everyone, and since **SEN. LEWIS** is more outspoken, he would be a better fit for Economic Affairs.

SEN. WHEAT said that he doesn't have a problem with putting **SEN. LEWIS** on Economic Affairs over **SEN. STEINBEISSER**.

SEN. TOOLE pointed out that **SEN. HANSEN** has been in the Senate for the same amount of time that **SEN. MANGAN** has, so this is not a matter of choosing based on seniority.

SEN. MANGAN said that he served on Education and Local Government as well as Economic Affairs in the last interim. He could do both again, but if he had to choose, he would like to serve on Education and Local Government.

SEN. MANGAN suggested the Committee revisit Economic Affairs once other committees have been assigned.

SEN. WHEAT explained that the Committee can only nominate two Democrats and two Republicans to Health and Human Services. However, **SEN. SCHMIDT**, **SEN. WEINBERG**, **SEN. WILLIAMS** and **SEN. PEASE** all listed it as their first choices. **SEN. WHEAT** said that he had spoken with **SEN. WEINBERG**, and he only wanted to serve on one interim committee. **SEN. WHEAT** had also tentatively picked out **SEN. SCHMIDT**. On the Republican side, there was **SEN. COBB** and **SEN. O'NEIL**. **SEN. ESP** also listed Health and Human Services as his third choice.

SEN. ROUSH said that he would support **SEN. SCHMIDT** and **SEN. WEINBERG**. He said that **SEN. PEASE** has interest in this topic; he has served on some committees in this topic. **SEN. ROUSH** said that he didn't think **SEN. PEASE** has been on this committee before.

SEN. MANGAN clarified that **SEN. PEASE** served on it in the last interim.

SEN. ROUSH said that there are a lot of Native American issues that come up in the Health and Human Resources Committee, and **SEN. PEASE** would do a good job.

SEN. WHEAT suggested that the Committee recommend **SEN. PEASE** for Finance and Claims since those same issues go before that committee.

SEN. ELLIOTT said that since **SEN. WILLIAMS** listed Law and Justice as her second choice, she could serve there instead of Health and Human Services. After speaking with her, **SEN. ELLIOTT** said that **SEN. WILLIAMS** was torn between those two committees. **SEN. SCHMIDT** also listed Law and Justice as her second choice.

SEN. WHEAT said that since **SEN. SCHMIDT** was the Vice Chair of Finance and Claims this session, and she served on the Health and Human Resources Appropriations Subcommittee, this was a fitting place for her to serve.

SEN. RYAN said that **SEN. WEINBERG** will need this experience to foster his leadership potential in this area in future sessions.

Motion: **SEN. MANGAN** moved that **SEN. SCHMIDT**, **SEN. WEINBERG**, **SEN. COBB** AND **SEN. O'NEIL** BE NOMINATED FOR THE HEALTH AND HUMAN SERVICES COMMITTEE.

Motion: **SEN. TOOLE** moved that **SEN. COBB** BE SEGREGATED FROM **SEN. MANGAN'S** MOTION.

Discussion: **SEN. TOOLE** explained that he had spoken with **SEN. COBB** and he was interested in serving on the Energy Committee as well. **SEN. WHEAT** responded that he is such an expert in Health and Human Services. **SEN. TOOLE** said that he has experience in energy as well. **SEN. TOOLE** suggested that **SEN. ESP** be nominated in place of **SEN. COBB**.

Substitute Motion: **SEN. MANGAN** made a substitute motion that **SEN. SCHMIDT**, **SEN. WEINBERG**, **SEN. ESP** AND **SEN. O'NEIL** BE NOMINATED FOR THE HEALTH AND HUMAN SERVICES COMMITTEE.

Motion/Vote: **SEN. TOOLE** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that THOSE NOMINATED BE ELECTED. Motion carried 5-1 by voice vote with **SEN. ELLIOTT** voting no.

SEN. ELLIOTT explained that he voted no because he would like to see **SEN. PEASE** serve on Health and Human Services. He suggested

that after making all the appointments the Committee review and make sure that the right decisions were made.

SEN. WHEAT said that the Committee appoints three Democrats and three Republicans to Education and Local Government.

Motion: **SEN. RYAN** moved that **SEN. MANGAN, SEN. HAWKS, SEN. GILLAN, SEN. LAIBLE, SEN. STORY AND SEN. ESSMANN BE NOMINATED FOR EDUCATION AND LOCAL GOVERNMENT.**

Motion/Vote: **SEN. TOOLE** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that **THOSE NOMINATED BE ELECTED.** Motion carried unanimously by voice vote.

SEN. WHEAT said that the Committee also picks three Democrats and three Republicans for the Law and Justice Committee. **SEN. ELLINGSON** had expressed interest, but he stepped down because he is termed-out.

Motion: **SEN. MANGAN** moved that **SEN. WILLIAMS, SEN. CROMLEY, SEN. LASLOVICH, SEN. SHOCKLEY, SEN. PERRY AND SEN. MCGEE BE NOMINATED FOR THE LAW AND JUSTICE COMMITTEE.**

Motion/Vote: **SEN. WHEAT** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that **THOSE NOMINATED BE ELECTED.** Motion carried unanimously by voice vote.

SEN. WHEAT explained that, originally, **SEN. ESP** was on the tentative list for Revenue and Transportation. Earlier, the Committee had decided to replace him with **SEN. STORY**. However, **SEN. STORY** will be very busy with the interim education work. **SEN. WHEAT** spoke with **SEN. STORY** privately, and **SEN. STORY** said that he had an interest in tax, but he has served on this committee before, and he does not need to go back.

SEN. TOOLE said that the issue is not what the Senator wants, it is what will benefit the committee.

SEN. MANGAN said that **SEN. STORY** will not physically have enough time for all his committee assignments.

SEN. TOOLE recommended that the Committee nominate **SEN. BLACK** in place of **SEN. ESP** or **SEN. STORY**.

Motion: SEN. MANGAN moved that SEN. ELLIOTT, SEN. GILLAN, SEN. TOOLE, SEN. BARKUS, SEN. BLACK AND SEN. KITZENBERG BE NOMINATED FOR THE REVENUE AND TRANSPORTATION COMMITTEE.

Motion/Vote: SEN. ELLIOTT moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. WHEAT said that State Administration and Veteran's Affairs should be easy because there are four slots and four people interested. SEN. TROPILA, SEN. SQUIRES, SEN. BALES and SEN. TASH are all interested.

SEN. RYAN said that Veteran's Affairs would be a good place to put SEN. PEASE and replace SEN. SQUIRES.

SEN. WHEAT pointed out that State Administration is the only committee that SEN. SQUIRES is on.

SEN. MANGAN recommended that SEN. PEASE served on State and Tribal Relations instead of this committee.

Motion: SEN. RYAN moved that SEN. SQUIRES, SEN. TROPILA, SEN. BALES AND SEN. TASH BE NOMINATED FOR THE STATE ADMINISTRATION AND VETERAN'S AFFAIRS COMMITTEE.

Motion/Vote: SEN. ELLIOTT moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

Motion: SEN. MANGAN moved that SEN. SMITH, SEN. PEASE, SEN. O'NEIL AND SEN. SHOCKLEY BE NOMINATED FOR THE STATE AND TRIBAL RELATIONS COMMITTEE.

Discussion: SEN. RYAN asked how many committees SEN. O'NEIL was serving on. SEN. WHEAT said that SEN. O'NEIL looked like the best option for that committee.

SEN. ROUSH recommended that SEN. STEINBEISSER be nominated since he lives near Fort Peck.

SEN. MANGAN withdrew his motion.

Motion: SEN. TOOLE moved that SEN. SMITH, SEN. PEASE, SEN. O'NEIL AND SEN. STEINBEISSER BE NOMINATED FOR THE STATE AND TRIBAL RELATIONS COMMITTEE.

Motion/Vote: SEN. ROUSH moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. ROUSH expressed his desire to serve on the Energy Committee.

SEN. TOOLE stated that he thought it would be a good idea for SEN. LIND to serve on Energy. He has expressed a lot of interest in this area, and he is a freshman. It would be beneficial for the future of energy for him to serve on this Committee.

SEN. ROUSH said that he is not on any committees at this point, and he would like to serve on one. He stated that he agreed that it is important for SEN. LIND to serve on this committee, but he could wait until the next interim; he has a lot of time to learn the ropes. SEN. ROUSH recommended that SEN. TOOLE step off for SEN. LIND.

SEN. WHEAT responded that Energy is SEN. TOOLE'S top choice, he was the Chair of Energy and Telecommunications this session, and he has worked in the field for years.

SEN. ROUSH pointed out that SEN. LIND is serving on the Environmental Quality Council (ECQ), and that is a good opportunity for him to learn.

SEN. MANGAN suggested that the Committee use ballots in the interest of decorum.

SEN. TOOLE agreed. He reiterated the importance of placing a freshman on the committee and his own interest in serving.

SEN. WHEAT pointed out that SEN. LEWIS and SEN. GEBHARDT listed Energy as their top choice. However, since REP. ALAN OLSON also serves on Energy, SEN. GEBHARDT would not be a good choice if the Committee wants to strike a geographical balance.

SEN. RYAN said that he thought that the EQC is a good place for SEN. LIND to learn, so he did not think that it was important for him to serve on both the EQC and Energy.

SEN. TOOLE said that he was fine with **SEN. LEWIS** serving on Energy. He went on to explain that policy decisions are not made in interim committees. It is more about "staging and building a consensus."

SEN. ROUSH explained that he has been involved with energy issues for most of his life. That experience is vital on the Committee.

SEN. WHEAT recommended that the Committee deal with the Republican nominations first, then come back to this issue.

SEN. TOOLE recommended **SEN. ESSMANN**. It was his first choice.

Motion: **SEN. MANGAN** moved that **SEN. ESSMANN AND SEN. LEWIS BE NOMINATED FOR THE ENERGY COMMITTEE**.

Motion/Vote: **SEN. RYAN** moved **TO CLOSE NOMINATIONS**. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that **THOSE NOMINATED BE ELECTED**. Motion carried unanimously by voice vote.

SEN. TOOLE asked **SEN. ROUSH**, if he was appointed to the EQC's study on coal-bed methane, if he would serve. **SEN. ROUSH** answered that he would.

SEN. WHEAT explained that the other termed-out Senators have all stepped down from serving on interim committees.

Motion: **SEN. TOOLE** moved that **SEN. LIND BE NOMINATED FOR THE ENERGY COMMITTEE**.

Motion: **SEN. MANGAN** moved that **SEN. ROUSH BE NOMINATED FOR THE ENERGY COMMITTEE**.

Motion: **SEN. ELLIOTT** moved that **SEN. TOOLE BE NOMINATED FOR THE ENERGY COMMITTEE**.

Motion/Vote: **SEN. ELLIOTT** moved **TO CLOSE NOMINATIONS**. Motion carried unanimously by voice vote.

The Committee used secret ballots. Each member voted for two nominees.

Vote: **SEN. TOOLE** was elected by ballot. **SEN. ROUSH** and **SEN. LIND** received a tie vote.

The Committee recessed until April 20, 2005, at 10:00 A.M.

SEN. WHEAT outlined the committees that they still needed to elect Senators to.

SEN. RYAN said that **SEN. TROPILA** listed the Gaming Advisory Council as his first choice. **SEN. ELLIOTT** pointed out that **SEN. GALLUS** had not yet been elected to any committees. He had listed the Gaming Advisory Council as his second choice, and he had said that he was interested in Future Fisheries.

Motion: **SEN. RYAN** moved that **SEN. TROPILA** BE NOMINATED FOR THE GAMING ADVISORY COUNCIL.

Motion/Vote: **SEN. MANGAN** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

Motion: **SEN. ELLIOTT** moved that **SEN. GALLUS** BE NOMINATED FOR THE FUTURE FISHERIES REVIEW PANEL.

Motion/Vote: **SEN. MANGAN** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. WHEAT said that **SEN. COONEY** listed the Capitol Complex Committee as his third choice. On the Republican side, the only Senator that showed interest was **SEN. ESP**.

SEN. RYAN suggested that the Committee choose Helena Legislators for the Capitol Complex Committee because that would be the most efficient.

SEN. ELLIOT asked if **SEN. LEWIS** would then be a good choice.

SEN. WHEAT said that **SEN. LEWIS** is on Energy.

SEN. RYAN said that Capitol Complex doesn't meet that often, so it is not a big commitment. **SEN. RYAN** continued by saying that **SEN. GRIMES** may actually be an even better choice. Even though he is termed out, he has worked a lot in these issues with the restoration.

Motion: **SEN. MANGAN** moved that **SEN. COONEY** AND **SEN. GRIMES** BE NOMINATED FOR THE CAPITOL COMPLEX COMMITTEE.

Motion/Vote: SEN. RYAN moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried 5-1 by voice vote with SEN. ELLIOT voting no.

SEN. ELLIOTT explained that he did not oppose SEN. COONEY. He opposed SEN. GRIMES on the basis that he is termed out.

Motion: SEN. ELLIOTT moved to RECONSIDER THE MOTION TO ELECT SEN. GRIMES TO THE CAPITOL COMPLEX COMMITTEE AND SEGREGATE HIS NOMINATION.

SEN. WHEAT explained that SEN. COONEY has been elected unanimously, and the nominations were reopened for the Republican position.

Motion: SEN. ELLIOTT moved that SEN. LEWIS BE NOMINATED FOR THE CAPITOL COMPLEX COMMITTEE.

Motion: SEN. RYAN moved that SEN. ESP BE NOMINATED FOR THE CAPITOL COMPLEX COMMITTEE.

Motion: SEN. MANGAN moved that SEN. CURTISS BE NOMINATED FOR THE CAPITOL COMPLEX COMMITTEE.

Motion/Vote: SEN. MANGAN moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

In the interest of time, the Committee chose to use ballots for this vote. SEN. CURTISS was elected to the Capitol Complex Committee.

SEN. WHEAT decided that the Committee should revisit the nominations to Economic Affairs.

Motion: SEN. MANGAN moved that SEN. HANSEN AND SEN. COCCHIARELLA BE NOMINATED FOR THE ECONOMIC AFFAIRS COMMITTEE.

Motion/Vote: SEN. TOOLE moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

SEN. WHEAT reminded the Committee that they had considered placing SEN. BLACK and SEN. LEWIS on the Economic Affairs Committee.

SEN. ELLIOT said that **SEN. BLACK** is already on two committees.

SEN. RYAN said that **SEN. LEWIS** may have some other work as well, so this committee may be too much for him.

SEN. MANGAN said that **SEN. STEINBEISSER** probably would not be meeting too often, so this would not be too much for him. He also recommended **SEN. BRUEGGEMAN**.

Motion: **SEN. ELLIOTT** moved that **SEN. STEINBEISSER AND SEN. BALYEAT** BE NOMINATED FOR THE ECONOMIC AFFAIRS COMMITTEE.

Substitute Motion: **SEN. TOOLE** made a substitute motion that **SEN. STEINBEISSER AND SEN. BRUEGGEMAN** BE NOMINATED FOR THE ECONOMIC AFFAIRS COMMITTEE.

Motion/Vote: **SEN. ELLIOTT** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. WHEAT** moved that **THOSE NOMINATED BE ELECTED**. Motion carried unanimously by voice vote.

SEN. WHEAT suggested that the Committee consider another person go on Energy than **SEN. TOOLE**. He said that **SEN. HAWKS** listed Energy as his third choice. He suggested putting **SEN. HAWKS** and himself on Energy.

SEN. TOOLE responded by saying that **SEN. LIND** was very interested. He knew that **SEN. HAWKS** was somewhat interested. He said that by doing that, there would be no one on the interim committee that was on Energy and Telecommunications during the Session. **SEN. TOOLE** said that he preferred to take the vote on **SEN. LIND** and **SEN. ROUSH** to see how it would turn out.

SEN. WHEAT agreed.

Motion: **SEN. TOOLE** moved that **SEN. LIND** BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion: **SEN. MANGAN** moved that **SEN. ROUSH** BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion/Vote: **SEN. ELLIOTT** moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

The Committee used secret ballots. Each member voted for one nominee.

Vote: SEN. ROUSH and SEN. LIND received a tie vote.

Motion: SEN. TOOLE moved to RECONSIDER THE MOTION TO ELECT SEN. TOOLE TO THE ENERGY COMMITTEE.

Discussion: SEN. TOOLE explained that he thought it was very important to get a freshman on Energy.

Vote: Motion carried unanimously by voice vote.

Motion: SEN. TOOLE moved that SEN. LIND BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion: SEN. MANGAN moved that SEN. ROUSH BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion: SEN. ELLIOTT moved that SEN. HAWKS BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion/Vote: SEN. MANGAN moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

The Committee used secret ballots. Each member voted for two nominees.

Vote: SEN. ROUSH and SEN. HAWKS were elected to the Energy Committee.

The Committee recessed until 1:30 P.M.

SEN. WHEAT reviewed the placement decisions the Committee made. He said that after speaking with SEN. HAWKS, he learned that SEN. HAWKS was not that interested in serving on Energy.

Motion/Vote: SEN. MANGAN moved to RECONSIDER THE MOTION TO ELECT SEN. HAWKS TO THE ENERGY COMMITTEE. Motion carried unanimously by voice vote.

Motion: SEN. MANGAN moved that SEN. LIND BE NOMINATED FOR THE ENERGY COMMITTEE.

Motion: SEN. TOOLE moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

Motion/Vote: SEN. TOOLE moved to RECONSIDER THE MOTION TO ELECT SEN. COONEY TO THE CAPITOL COMPLEX COMMITTEE. Motion carried unanimously by voice vote.

Motion: SEN. WHEAT moved that SEN. HANSEN BE NOMINATED FOR THE CAPITOL COMPLEX COMMITTEE.

Motion: SEN. TOOLE moved TO CLOSE NOMINATIONS. Motion carried unanimously by voice vote.

Motion/Vote: SEN. WHEAT moved that THOSE NOMINATED BE ELECTED. Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 1:35 P.M.

SEN. MIKE WHEAT, Chairman

ANNIE GLOVER, Secretary

MW/ag

Additional Exhibits:

EXHIBIT ([cos84aad0.PDF](#))