

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN CAROLYN SQUIRES**, on March 11, 2005 at 3:00 P.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (D)
Sen. Jon Ellingson (D)
Sen. Jeff Essmann (R)
Sen. Steven Gallus (D)
Sen. Rick Laible (R)
Sen. Dave Lewis (R)
Sen. Jim Shockley (R)
Sen. Joseph (Joe) Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Dave Bohyer, Legislative Branch
Claudia Johnson, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: Confirmation Hearings for Governor Schweitzer's appointments for Directors for the state of Montana Departments.
SR 13, 3/4/2005; SR 4, 3/4/2005;
SR 5, 3/4/2005; SR 9, 3/4/2005;
Executive Action: None.

HEARING ON SR 13

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SR 13**, Confirm Gov. Schweitzer's department directors and NW Power Planning nominees. The department directors included for today's hearing are: Janet Kelly, Nancy Peterson, and Anthony Preite. She asked **Bruce Nelson**, from the Governor's office, to make his presentation for SR 13.

Proponents' Testimony:

Bruce Nelson, Chief of Staff for Governor Schweitzer, said on behalf of Governor Schweitzer they are pleased to announce the appointments for Governor Schweitzer. They are; Janet Kelly, Department of Administration, Nancy Peterson, Department of Agriculture, and Anthony Preite, Department of Commerce. He urged the Committee for their favorable consideration of these nominations. He wanted to add for the record that at this time Governor Schweitzer has submitted, as required by law, all of the names of internal appointees by Governor Judy Martz.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

CHAIRWOMEN SQUIRES closed.

HEARING ON SR 4

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SR 4**, Confirmation for medical occupations.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

CHAIRWOMEN SQUIRES closed.

HEARING ON SR 5

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SR 5**, Confirmation of other occupations. She informed the Committee that these appointees were appointed by Governor Martz administration.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

CHAIRWOMAN SQUIRES closed.

HEARING ON SR 9

{Tape: 1; Side: A; Approx. Time Counter: 8 - 11.3}

Opening Statement by Sponsor:

SEN. CAROLYN SQUIRES (D), SD 48, opened the hearing on **SR 9**, Confirm Ms. Kala French as a member of the Board of Regents of Higher Education. She said Kala French was appointed to the Board of Regents by Governor Martz.

CHAIRWOMAN SQUIRES informed the audience that she will allow three minutes per person for proponents and opponents. She said if the total time allowed goes over the limit she asked that they just state their name.

Proponents' Testimony:

John Fuller, Social Studies teacher from the Flathead High School, informed the Committee Members that in his 35 years of teaching Ms. French was one of his best students. He said she is

"not the enemy", she is a highly capable young lady who deserves to be on the Board of Regents. He stated that there is no doubt in his mind that her qualifications give her the ability to perform the job. He said failure to confirm her would be sending the wrong message to the youth of Montana. He stated that failure to confirm Ms. French will be sending the message that she is incapable for whatever reasons on rendering competent decisions on the Board of Regents. He urged the Committee for their confirmation of Ms. French.

Rod Sundsted, Associate Commissioner of the Montana University System, informed the Committee that he is conveying this message for Sheila Stearns, Commissioner of the Board of Regents who could not be present today. He said the Board of Regents rise in support of the confirmation of Ms. French. He stated that for the last 10 months she has served as an exemplary regent as an effective voice for students because she is wise beyond her years. He said she is dedicated, articulate, and sensible. Colleagues and other University leaders have commented after meeting her what an intelligent and independent individual she is, and what a great addition she has been to the Board of Regents. He hopes that she will be able to continue her service with the Committee's confirmation.

Rolph Groseth, Vice President for Montana State University (MSU), Bozeman, said he is before the Committee to speak in support of the confirmation of Ms. French as the student intern for the Board of Regents. He said that the Committee will be considering several criteria in making judgment about Ms. French. He said she will be assisting in setting institutional budgets and tuition fees. He said that Ms. French is only a sophomore, and is already recognized for several academic awards. She is a quick study, and has taken the time to prepare for meetings. She has contributed substantively to the issues before the Board. He urged the Committee to confirm Ms. French. **Mr. Groseth** informed the Committee that Ms. French is very mature and straight-forward with her comments as a board member, and her votes have been consistent with those comments. He said it takes a special qualification in this position, and that is the ability to communicate and represent fellow students, especially the elected officers on the various campuses. He informed the Committee in closing that he has observed student interns for the Board of Regents, and Ms. French has shown herself to be most capable to hold that position. He urged the Committee to act in the affirmative on this confirmation.

{Tape: 1; Side: A; Approx. Time Counter: 11.3 - 19.5}

Bruce Tutvedt, representing self, informed the Committee that he has known Kala French since the third grade when they played basketball together. He said anyone that knows Kala knows that her work ethic is great. He said she is a two-time national qualifier in speech, single in state champion, and received 14th in nationals. He asked the Committee to confirm Ms. French.

Kelly Paul, Student Body President, MSU-Northern-Havre, said he met Ms. French when he was an outgoing senior in high school when she was just starting high school. In meetings he attended with Ms. French, she has shown strong student representation above expectation. He said it would be a tremendous loss if Ms. French is not appointed, not only to the students in the University System, but to the Board of Regents. He asked that Ms. French be nominated for the position.

Connie Summers, representing the Associated Students of MSU-Billings (ASMSUB), said that half of the students on the MSUB Campus is in support of Kala French for her confirmation as student intern for the Board of Regents. She said that Ms. French has proven that she is a true asset to the University System, and especially to the students that make up that system. **Ms. Summers** talked about her contact with Ms. French through the Montana Associated Students (MAS), and stated that Ms. French is very loyal to the students of Montana. **Ms. Summers** informed the Committee she is a lobbyist for the Montana Associated Student body. She urged the Committee to confirm Ms. French. She distributed three handouts from associates who were not able to attend today's hearing.

[EXHIBIT \(sts54a01\)](#)

[EXHIBIT \(sts54a02\)](#)

[EXHIBIT \(sts54a03\)](#)

Jake Eden, Student of the University of Montana (U of M)-Missoula, said that he has been in Iraq for the last six months and just arrived home for a short visit, but it was imperative that he come before the Committee to show his support for Kala French. He informed the Committee that he was one of the three finalists for the position selected by the Montana Associated Students (MAS). He said the process that the MAS goes through for a position like this takes about six months, and is an arduous one. He said that Ms. French is not an appointee of Governor Judy Martz, but selected by the MAS. He urged the confirmation of Ms. French.

Todd Sundt, Helena College of Technology, stated he strongly supports the confirmation of Kala French.

{Tape: 1; Side: A; Approx. Time Counter: 19.5 - 25.8}

David Morris, campus student from Miles City Community College and just transferred to Montana State University (MSU), stated as the confirmation of Regent French draws near he wanted to ask the Committee to recognize the great deal of effort that the Associated Students have put forth in this process. Each student should be recognized for their full potential. He urged confirmation of Ms. French to the Board of Regents.

Sarah Bennett, President of Associated Students-Montana Technical School-University of Montana, stated the student body of Montana Tech wanted to show their support for student regent Kala French. She asked the Committee to support the confirmation of Ms. French.

Deborah French, mother of Kala French, asked the Committee to look at Kala as an opportunity by adding a valuable asset to the Board of Regents. She informed the Committee that Kala has the ability, the potential, and the goals required of her for this position. She urged support in the confirmation of her daughter.

Stuart Doggett, representing Community Colleges of Montana, informed the Committee that members on the Board of Regents have given Ms. French praise for her work ethics, knowledge on the issues at hand, and her respect for her fellow co-workers is nothing short of professionalism. He urged the Committee's support for the confirmation of Ms. French.

{Tape: 1; Side: B}

Lars Dorseth, Student, U of M-Missoula, distributed a handout on the Montana Associated Students resolution, which he read. He urged the Montana Senate to confirm Ms. French's appointment.

EXHIBIT (sts54a04)

Denny Czech, student, ASUM, U of M-Missoula, urged the Committee to confirm Ms. French to the position of student regent. He informed the Committee that he had the privilege of working with Ms. French about a year ago. He said she is very smart, and she is someone who cares. He said she constantly asks the students for input and their views. He said she always reports to the MSU regarding her duties. He said she has incredible moral courage, integrity, dedication, and strong work ethics.

Dan Douthit, student, ASMSU-Bozeman, said he is a Senior at MSU. He informed the Committee as a student he has seen first-hand the

hard work that Kala has accomplished for the Associated Students. He urged the confirmation of Ms. French.

Jim Bennett, student of U of M-Missoula, stated that he and Kala went through high school together. He said as a student at college for the last 4½ years he has learned how difficult it is to approach the Board of Regents, and Ms. French is that voice that makes it approachable. He stated his support for the confirmation of Ms. French.

Ross Prosperi, student senior at U of M-Missoula, reiterated the comments of Jim Bennett. He urged the Committee to support the confirmation of Ms. French.

Lauren Krnavek, student and Vice President of ASMSU-Bozeman, stated that Ms. French stands by what she believes, and what she is doing for the students. She urged the Committee to support Ms. French.

{Tape: 1; Side: B; Approx. Time Counter: 7.8 - 19.3}

Phyllis Bock, Attorney for Board of Regents, said the Board of Regents recommends student intern Kala French for at least two years. She urged the Committee's support for Ms. French.

Tyler Matthews, student at U of M- Missoula, stated he is on several committees. He informed the Committee that Kala is a nice young lady who is ahead of the game. He said she has worked harder, and put in more time toward her duties than any student he knows of and not being paid for the job that she is doing. He urged the Committee to support the confirmation of Ms. French.

Wade Herbert, representing self, U of M-Missoula, informed the Committee he is a twenty-eight-year-old freshman at the U of M. He is in awe at the number of young people that came to this hearing from all over the state to show their support for Ms. French to represent them. He urged the Committee's support of Ms. French for the student intern position.

Charles Robinson, representing self, said he will be going to U of M next year as a law student. He said that many of the students will still be around if Ms. French is allowed to continue her appointment. He discussed the Board of Regents as one of the few Boards that is mentioned in the Constitution. He said that several states have done away with their Board of Regents, because they want only one person in charge through the University System. The Board has regents with seven-year terms that help maintain, and preserve the independence of the universities, like an independent branch of government. Ms.

French is very qualified, and able to carry out her duties in a very responsible manner. He said she is doing a great job. He said the short term discourages participation. He said Kala is the right person for the job, and urged the Committee to support Ms. French.

{Tape: 1; Side: B; Approx. Time Counter: 19.3 - 25}

SEN. RICK LAIBLE, SD 44, VICTOR, informed the Committee that **SEN. GREG BARKUS** was not able to attend this hearing, and asked **SEN. LAIBLE** to read his letter. The letter states that a one year appointment will effectively render the Student's Representative to the Board of Regents a meaningless position. He states there are only four meetings per year, and a one year term would virtually leave the students without representation. He feel the term should be a minimum of no less than two years. He asked the Committee to give thoughtful consideration to the confirmation of Kala French.

EXHIBIT (sts54a05)

{Tape: 2; Side: A}

Valerie Tutucdt, ASMSU-Bozeman, urged the Committee's support on the confirmation of Kala French.

Brock Warfell, newly elected vice president ASMSU-Bozeman, informed the Committee that the Associated Student Body stands in full support of Kala French. He said that Regent French has demonstrated her abilities to effectively represent the entire student body of the University System. He urged the Committee to support the confirmation of Ms. French.

Stacia Gardner, student of MSU-Bozeman, stated her support for Kala French. She said Kala is hard working and dedicated to the University System. She stated there isn't anyone else more qualified than Ms. French.

Ryan Lougheed, student at MSU-Bozeman, said that Kala French is a very qualified person for the student intern position, and urged the Committee to support her nomination.

Nicholas Malinak, Kalispell, informed the Committee he is a senior at the Kalispell high school. He said that he was a freshman and sophomore when Kala French was a junior and senior. He said her speech and debate as well as her numerous leadership positions have enabled her to hold the student intern position.

{Tape: 2; Side: A; Approx. Time Counter: 4.9 - 7}

SEN. JOHN BRUEGGEMAN, SD 6, POLSON, representing self, discussed being a student at the Helena College of Technology. He talked about meeting Ms. French. He informed the Committee that if she doesn't make the confirmation, that he will ask her to run for the legislature. He said she is one of the most well-adjusted, well-mannered, and professional people he has ever met in performing her duties. He urged the Committee to confirm Kala French.

Bruce Marks, President of the Guaranteed Student Loan program, stated that for all the reasons already heard he also supports Ms. French.

Katie White, ASMSU-Bozeman, stated her support for Kala French.

Emily Mitchell, ASMSU-Bozeman, stated her support for Kala French.

Patrick Van Orden, student at U of M-Missoula, stated his support for Kala French.

Roxanne Lowney, student and ASMCC-President, Miles City Community College. This testimony was distributed after the hearing. **Ms. Lowney's** letter gives high regard to Kala's efforts and accomplishments.

EXHIBIT (sts54a06)

Opponents' Testimony:

Matt Singer, student at U of M-Missoula, representing FORWARD Montana, distributed written information which he read to the Committee (see exhibit 7). He informed the Committee that students from all over the state have expressed concerns that Ms. French has displayed poor judgement, concerns that they are being ignored during all the political wrangling in Helena, and that this appointment is simply too long. He stated that Ms. French was nominated to a three-year term by the former Governor Judy Martz, and no other student regent has ever been nominated to a three-year term. He informed the Committee that Forward Montana is a nonprofit, nonpartisan organization dedicated to serving as the voice for young Montanans. He asked that Ms. French resign at the end of June 30, 2005, and reapply. **Mr. Singer** distributed the 1,600 plus petitions of the students who were not able to attend. (see exhibit 8)

EXHIBIT (sts54a07)

EXHIBIT (sts54a08)

Sheena Rice, former student at MSU-Bozeman, stated that her concern is the length of term, because the tradition is normally for a one-year-term. She stated her respect for Kala. Ms. French is very intelligent, very poised, and capable. She said there are many young people out there that are also capable for this position, and should have the right to apply. A three year term prevents those who are four year students to apply for this position.

Jessica Grennan, ASUM-Missoula, stated that students at a Community College cannot vote or be involved in the process. She urged the Committee not to confirm Ms. French.

Crystal Douglas, ASMSU-Bozeman, informed the Committee that she attended school with Kala, and said she is a very well spoken and capable young woman. She said her only problem is with the school who endorsed Kala without input from the students. She urged the Committee to keep the appointment to a one year term. She said that Ms. French could reapply, and she would vote for her.

Gail Bright, ASUM-Missoula, reiterated comments made earlier about the Community Colleges not having a vote in the process.

Kimberly Pappas, ASUM-Missoula, stated she is against the three-year term for Ms. French.

Tyler Clairmont, College of Technology-Helena, stated his opposition to the confirmation of Kala French.

Denver Henderson, stated he isn't against Kala's personality and character, but representation. He asked the Committee to not confirm Kala French.

Patricia Basset, ASUM-Missoula, said that she has spoken with other students, and they are only against the length of the term. They tried to remedy this through good government, but they were turned down. She urged the Committee to oppose the confirmation of Kala French.

{Tape: 2; Side: B}

Vinnie Pavlish, ASUM-Missoula, stated that he is the vice president of the MAS, and treasurer of Forward Montana. He has a petition signed by over 1,600 students against the three year term. He had a chart showing various areas of Montana where they received the signatures. He said that the 1,600 plus signatures is more than the five percent that is required in Montana to get an initiative on the ballot. He hoped that the Committee Members

will look at the petitions, and take into account those voices of the 1,600 students that were not able to attend today.

Garik Kransky, President of Forward Montana-Voice of Youth for politics in Montana, said that the students of the Montana University System have a number of issues with the appointment of Ms. French. He said that the main issue is the three-year appointment, which disenfranchises the College of Technology students from serving this position. This position is an excellent resume builder for all of the young leaders. He stated that the opportunity should be provided for more students to serve in this position. He urged the Committee to oppose the appointment of Kala French.

Jace Christensen, student at U of M-Missoula, said he is before the Committee to oppose the confirmation of student regent Ms. French. He stated that Ms. French just joined the MSU, and how can she represent the students when she has separated herself from it. He said the answer is simple, "she can't".

Casey Hogue, student, ASUM, U of M-Missoula, stated that he only opposes the three-year-term.

Craig Gordon, Social Director at U of M-Missoula, said that the students need a voice that represents every student in the student body.

Millie Dorsey, student at U of M-Missoula, informed the Committee that she is the secretary for Forward Montana. She reiterated the comments previously stated. She urged the Committee not to confirm Kala French.

Josh Criswell, student at U of M-Missoula, said that his main concern is the lack of accountability of Ms. French if placed into a three-year-term.

Kelly Crispen, student at U of M-Missoula, stated her opposition of the three-year-term.

Ryan Knobloch, student at U of M-Missoula, said he is opposed to Ms. French serving a three-year-term.

Informational Testimony:

Ronna Alexander, Lobbyist for the Convenient Store (C-Store) Association Orasure Technologies, informed the Committee that Ms. French is an intern under her auspices for the internship. It is a position that allows students to be involved in the legislative process to earn credits. She stated that if she had known that

this internship program would be used against Ms. French she would not have offered Ms. French this position. **Ms. Alexander** said the position that Ms. French is in, is an internship not a job.

Brad Cederberg, student at U of M-Missoula, informed the Committee that he has knowledge of the due process on becoming a student regent. He stated that he has gone through the process of applying for the student regent position. He is available for any questions the Committee Members may have.

Kala French, Student Intern, Board of Regents, informed the Committee that **SENATOR SQUIRES** allowed her to be an informational witness, and is available for any questions the Committee Members may have. She said that she appreciates the interview that she received earlier in Committee, and the comments made by the proponents and the opponents made today. She told the Committee that she appreciates their patience for the length of time they allowed all the witnesses to come forward to testify. She informed the Committee that she is available for any questions.

Questions from Committee Members and Responses:

SEN. LAIBLE asked **Brad Cederberg** about the process to become a student intern, and how the selection takes place. **Mr. Cederberg** responded that he didn't know the exact number of students that apply for the appointment, nor how many students from each campus make application. He said that the process starts approximately six months before the appointment is selected. He stated there was an open call for any applications to be submitted by campus students who then submit a resume and application. The resume and application then go through the Associated Student's committee, which consists of nine members. Some of these members are from the Associated Student body, and some are senators who are appointed by the MAS. This nine member board makes a recommendation to the Senators. He said that each school in the University System is allowed three nominees. The next step is the MAS, which is a board made up of presidents and vice presidents from the different universities. Then there are two interviews before MAS who will recommend the three nominees who then interview with the Governor. He stated that the three nominees were himself, Kala French, and Jake Eden, the soldier that just arrived stateside from Iraq. He said that Jake had other commitments, and wasn't able to continue. He said that the Governor's Chief of Staff, and the top Governor's advisors then make the decision to appoint one student from that process.

SEN. LAIBLE asked **Matt Singer, Forward Montana,** what is Forward Montana. **Mr. Singer** replied that Forward Montana is a non-profit

that was started the summer of 2004. He said they incorporated as an advocacy for Montana's youth 30 years of age and younger.

SEN. LAIBLE directed a question to **Kala French**. He commented that the majority of proponents and opponents objected not because she isn't qualified, but her three year term is the issue. He asked **Ms. French** if she had any problem with submitting a letter of resignation to limiting her term to two years instead of one. **Ms. French** stated that not only does she not have any problems with that, but she has met with Mr. Petesch, LSD. She said they drafted a letter to that effect, and her term would expire the end of June, 2006. She said that is what they want, even though she was appointed for the three-year-term. The letter is drafted pursuant to the section of code about letters of resignation, she was unsure of the section number of the code. The letter will be held by a third party until such time, then the Commissioner of Higher Education will submit the letter to the Governor.

SEN. GALLUS asked **Ms. French** about her track on school to graduate in four years. He wanted to know what classes she is taking; how many credits. **Ms. French** responded that she has four internship credits through the Montana State University (MSU), two credits for a research project through the Montana State University. She is taking six credits on line through U of M, and several courses through the College of Technology. She informed the Committee that she will be through school in the spring of 2007.

SEN. LEWIS asked **Garik Kransky, Forward Montana**, about testimony earlier in the hearing from a member of Forward Montana who was critical of Ms. French for not being a student at the time of her appointment. He asked if all the members of the Forward Montana Organization are students at the U of M-Missoula. He said no. He isn't a student, and said that they cater to 18 to 30 year olds. He said that Forward Montana is a youth organization, not a student organization.

SEN. COCCHIARELLA thanked all those that testified. She said that Ms. French is a very dynamic, and courageous young woman. She said, "we hear what the issue is, and it isn't fair what they have done to her."

Closing by Sponsor:

CHAIRWOMAN SQUIRES informed the Committee that executive action will not be taken today, but next Friday, March 18, 2005. She thanked everyone for being courteous during the hearing.

ADJOURNMENT

Adjournment: 5:30 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

EXHIBIT ([sts54aad0.PDF](#))