

## MINUTES

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

#### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Jeff Essmann, on February 4, 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. Bryce Bennett (D)  
Rep. Bob Brown (R)  
Rep. Moffie Funk (D)  
Rep. Frank Garner (R)  
Rep. Edward Greef (R)  
Rep. Denise Hayman (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. Casey Schreiner, Vice Chair (D)  
Rep. Jessica Karjala (D)  
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: HJ 6, 1/30/2015; HJ 8, 1/30/2015; SB 1, 1/30/2015; SB 45,  
1/30/2015

- 00:00:01 Chair Essmann
- 00:01:46 **Motion:** Rep. Essmann moved **TO AMEND THE MINUTES FROM JANUARY 16, 2015 TO CHANGE THE MOTION TO TABLE HB 59 TO A MOTION TO TABLE HB 18 TO CORRECT THE RECORD.**
- 00:02:05 Rep. B. Bennett  
00:02:24 Chair Essmann
- 00:02:50 **Vote:** Motion carried 17-0 by voice vote. Rep. Karjala, Rep. Knudsen and Rep. Schreiner were excused.
- 00:03:01 **Motion/Vote:** Rep. Harris moved **TO AMEND THE MINUTES FROM JANUARY 20, 2015 TO CHANGE THE PROXY VOTES FOR REP. WITTICH ON HB 55 AND HB 121 FROM "YES" VOTES TO "NO" VOTES. THE CHANGES WILL NOT AFFECT THE OUTCOME OF THE VOTES.** Motion carried 16-1 by voice vote with Rep. Bennett voting no. Rep. Karjala, Rep. Knudsen and Rep. Schreiner were excused.

### HEARING ON HJ 8

#### Opening Statement by Sponsor:

- 00:03:57 Rep. Frank Garner (R), HD 7, opened the hearing on HJ 8, Joint resolution to study Montana Law Enforcement Academy funding.
- 00:07:40 Chair Essmann

#### Proponents' Testimony:

- 00:07:52 Jon Bennion, Office of the Attorney General (AG)  
[EXHIBIT\(sth25a01\)](#)  
[EXHIBIT\(sth25a02\)](#)
- 00:12:23 Chair Essmann
- 00:12:30 Jerry Williams, Executive Director, Montana Police Protective Association (MPPA)
- 00:13:52 Chair Essmann
- 00:13:57 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
- 00:14:42 John Quandt, Americans for Prosperity (AFP)
- 00:15:16 Chair Essmann

Opponents' Testimony: None

Informational Testimony: None

#### Questions from Committee Members and Responses:

- 00:15:35 Rep. McKamey
- 00:15:57 Rep. Garner
- 00:16:27 Chair Essmann
- 00:16:37 Rep. B. Brown
- 00:17:27 Jon Bennion, AG

00:17:58 Chair Essmann  
00:19:03 Jon Bennion, AG  
00:19:52 Chair Essmann

**Closing by Sponsor:**

00:20:23 Rep. Garner  
00:22:22 Chair Essmann  
  
00:22:28 Rep. B. Bennett  
00:23:06 Chair Essmann  
00:23:24 Rep. B. Bennett  
00:23:34 Chair Essmann

**HEARING ON HJ 6****Opening Statement by Sponsor:**

00:23:49 Rep. Tom Burnett (R), HD 67, opened the hearing on HJ 6, Resolution to reduce Montana's dependence on federal funds.  
00:28:35 Chair Essmann

**Proponents' Testimony:**

00:28:52 John Quandt, Americans for Prosperity (AFP)  
00:29:15 Chair Essmann  
00:29:22 Brent Mead, Executive Director, Montana Policy Institute (MPI)  
00:30:09 Chair Essmann

**Opponents' Testimony:**

00:30:22 Kim Abbott, Montana Human Rights Network (MHRN)  
00:31:07 Chair Essmann

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

00:31:27 Rep. B. Bennett  
00:31:57 Rep. Burnett  
00:32:24 Chair Essmann

**Closing by Sponsor:**

00:32:34 Rep. Burnett  
00:32:58 Chair Essmann

**HEARING ON SB 1****Opening Statement by Sponsor:**

00:33:36 Sen. Douglas (Doug) Kary (R), SD 22, opened the hearing on SB 1, Provide rule-making authority for secretary of state to establish certain fees.

00:38:23 Chair Essmann

**Proponents' Testimony:**

00:38:33 Jorge Quintana, Chief Legal Counsel, Montana Secretary of State (SOS)

00:39:30 Chair Essmann

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:39:49 Rep. Wittich

00:40:36 Sen. Kary

00:40:54 Jorge Quintana, SOS

00:41:54 Rep. Wittich

00:42:10 Jorge Quintana, SOS

00:42:54 Rep. Mandeville

00:43:31 Jorge Quintana, SOS

00:44:36 Chair Essmann

**Closing by Sponsor:**

00:44:45 Sen. Kary

00:45:20 Chair Essmann

00:45:30 Sen. Kary

00:45:48 Chair Essmann, Recess

01:08:34 Chair Essmann, Reconvene

**EXECUTIVE ACTION ON HB 101**

01:09:02 **Motion:** Rep. Harris moved that **HB 101 DO PASS.**

01:09:17 **Motion:** Rep. Wittich moved that **HB 101 BE AMENDED.**

**EXHIBIT(sth25a03)**

**Discussion:**

01:11:00 Chair Essmann

01:11:07 Rep. Funk

01:11:42 Chair Essmann

01:12:08 **Vote:** Motion carried 19-1 by voice vote with Rep. Essmann voting no. Rep. Karjala, Rep. Knudsen and Rep. Schreiner voted by proxy.

01:12:47 **Motion/Vote:** Rep. Wittich moved that **HB 101 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Knudsen and Rep. Schreiner voted by proxy.

**EXECUTIVE ACTION ON HB 236**

01:13:25 Chair Essmann  
01:13:36 Sheri Scurr, Legislative Services Division (LSD)  
01:14:00 Chair Essmann  
01:14:04 Sheri Scurr, LSD  
01:15:01 Rep. Wittich  
01:15:41 Chair Essmann

01:15:44 **Motion:** Rep. B. Bennett moved that **HB 236 DO PASS.**

01:17:00 Chair Essmann  
01:17:42 Sheri Scurr, LSD  
**EXHIBIT(sth25a04)**

01:19:46 Chair Essmann

01:19:53 **Motion:** Rep. McKamey moved that **HB 236 BE AMENDED.**

01:20:16 Chair Essmann

01:20:22 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Knudsen and Rep. Schreiner voted by proxy.

01:20:54 **Motion:** Rep. Essmann moved that **HB 236 BE CONCEPTUALLY AMENDED TO STRIKE SECTION 4, SECTION 5 AND SECTION 7.**

01:21:40 Rep. Garner  
01:22:03 Chair Essmann  
01:22:28 Rep. Lamm  
01:22:44 Chair Essmann

01:23:09 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Knudsen and Rep. Schreiner voted by proxy.

01:24:01 Without objection, Rep. B. Bennett withdrew the DO PASS motion.

**EXECUTIVE ACTION ON HB 264**

01:24:30 Chair Essmann  
01:24:45 Sheri Scurr, LSD  
01:24:59 Chair Essmann

01:25:14 **Motion:** Rep. Harris moved that **HB 264 DO PASS.**

01:25:36 Chair Essmann  
01:25:40 Rep. Wittich

01:28:40 **Motion:** Rep. Wittich moved that **HB 264 BE AMENDED.**  
**EXHIBIT(sth25a05)**

- 01:29:15 Sheri Scurr, LSD  
01:29:40 Chair Essmann  
01:29:43 Rep. Wittich
- 01:29:51 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala, Rep. Knudsen and Rep. Schreiner voted by proxy.
- 01:30:16 **Motion:** Rep. Wittich moved that **HB 264 BE AMENDED.**  
**EXHIBIT(sth25a06)**
- 01:30:27 Sheri Scurr, LSD  
01:31:47 Rep. Price  
01:31:59 Sheri Scurr, LSD  
01:32:17 Chair Essmann  
01:33:02 Rep. Hayman  
01:33:15 Sheri Scurr, LSD  
01:33:49 Rep. Wittich
- 01:34:22 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.
- 01:34:48 **Motion:** Rep. Wittich moved that **HB 264 BE AMENDED.**  
**EXHIBIT(sth25a07)**
- 01:35:02 Sheri Scurr, LSD  
01:36:03 Chair Essmann
- 01:36:32 **Vote:** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.
- 01:36:54 **Motion:** Rep. Wittich moved that **HB 264 BE AMENDED.**  
**EXHIBIT(sth25a08)**
- 01:38:15 Rep. Schreiner  
01:38:27 Rep. Mandeville  
01:38:52 Rep. Wittich  
01:40:04 Chair Essmann  
01:40:45 Rep. Wittich  
01:41:47 Rep. Funk  
01:42:25 Rep. Hayman  
01:42:54 Rep. Wittich  
01:43:33 Rep. Hayman  
01:43:54 Chair Essmann  
01:44:03 Rep. Garner  
01:44:17 Chair Essmann  
01:44:37 Rep. Wittich
- 01:45:07 **Substitute Motion:** Rep. Garner made a substitute motion that **HB 264 BE CONCEPTUALLY AMENDED as follows:**

**1. Page 1, line 6**

**Following: "DESIGNATION"**

**Insert: "AND THE BENEFICIARY IS OR WAS MARRIED TO THE MEMBER"**

**2. Page 1, line 11**

**Following: "19-2-801"**

**Insert: "and the change affects a beneficiary who is or was married to the member pursuant to Title 40, chapter 1"**

**3. Page 1, line 12**

**Following: "beneficiary"**

**Insert: "who is or was married to the member"**

**4. Page 1, line 16**

**Following: "19-20-1001(1)"**

**Insert: "and the change affects a beneficiary who is or was married to the member pursuant to Title 40, chapter 1"**

**5. Page 1, line 17**

**Following: "beneficiary"**

**Insert: "who is or was married to the member"**

**6. Page 1, line 20**

**Following: "beneficiary"**

**Insert: "and the beneficiary is or was married to the member pursuant to Title 40, chapter 1"**

01:45:29 Rep. B. Bennett  
01:46:06 Chair Essmann  
01:46:28 Rep. Mandeville

01:46:57 Without objection, Rep. Garner withdrew the BE AMENDED motion.

01:47:08 Chair Essmann

01:47:28 **Vote:** Motion carried 14-6 by roll call vote with Rep. Essmann, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Mortensen and Rep. Price voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

01:49:09 **Motion:** Rep. Harris moved that **HB 264 DO PASS AS AMENDED.**

01:49:18 Rep. Harris  
01:50:07 Rep. B. Bennett  
01:50:37 Rep. Garner  
01:51:12 Rep. Hayman  
01:52:41 Rep. McKamey  
01:53:37 Rep. Mandeville  
01:54:14 Rep. Schreiner  
01:55:13 Rep. Swanson  
01:56:13 Rep. Funk  
01:57:10 Chair Essmann

02:00:10 **Vote:** Motion failed 10-10 by roll call vote with Rep. Essmann, Rep. Hayman, Rep. Karjala, Rep. McKamey, Rep. Mortensen, Rep. Price, Rep. Schreiner, Rep. Swanson, Rep. Webber and Rep. Wittich voting aye. Rep. Karjala and Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 283**

02:01:14 Chair Essmann  
02:01:23 Sheri Scurr, LSD

02:02:09 **Motion:** Rep. Harris moved that **HB 283 DO PASS.**

02:02:27 Rep. McKamey  
02:03:24 Chair Essmann  
02:03:31 Vice Chair Harris  
02:04:10 Rep. Schreiner  
02:04:15 Rep. Greef  
02:05:07 Rep. B. Brown  
02:06:34 Rep. Schreiner

02:07:38 **Substitute Motion/Vote:** Rep. B. Bennett made a substitute motion that **HB 283 BE TABLED.** Substitute Motion carried 17-3 by voice vote with Rep. Harris, Rep. Knudsen and Rep. Wittich voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 264**

02:08:20 **Motion/Vote:** Rep. Garner moved that **HB 264 BE TABLED.** Motion carried unanimously by voice vote. Rep. Karjala and Rep. Knudsen voted by proxy.

02:09:01 Rep. Greef  
02:09:30 Chair Essmann  
02:09:56 Rep. Greef  
02:10:17 Chair Essmann  
02:10:40 Rep. Schreiner  
02:11:01 Chair Essmann

#### **EXECUTIVE ACTION ON HB 288**

02:11:27 **Motion:** Rep. Harris moved that **HB 288 DO PASS.**

02:11:42 Sheri Scurr, LSD  
02:12:06 Chair Essmann  
02:12:16 Rep. Hayman  
02:13:12 Rep. Schreiner

02:14:09 **Vote:** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Essmann, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Swanson and Rep. Webber voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

### **EXECUTIVE ACTION ON HB 290**

02:16:05 **Motion:** Rep. Harris moved that **HB 290 DO PASS.**

02:16:14 Sheri Scurr, LSD

02:16:36 **Motion:** Rep. Wittich moved that **HB 290 BE AMENDED.**  
**EXHIBIT(sth25a09)**

02:19:31 Chair Essmann

02:20:08 Rep. Wittich

02:20:40 Rep. Harris

02:21:11 Rep. Funk

02:21:24 Chair Essmann

02:21:28 Rep. Funk

02:22:01 Rep. Wittich

02:22:44 Rep. Garner

02:23:12 Rep. Wittich

02:23:58 Rep. Garner

02:24:28 Rep. Funk

02:24:58 Rep. Wittich

02:25:45 Rep. McKamey

02:27:06 Rep. Hayman

02:27:41 **Substitute Motion/Vote:** Rep. Schreiner made a substitute motion that **HB 290 BE TABLED.** Substitute Motion failed 10-10 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Greef, Rep. Hayman, Rep. Karjala, Rep. McKamey, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Karjala and Rep. Knudsen voted by proxy.

02:30:01 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Greef, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

02:32:13 **Motion/Vote:** Rep. Harris moved that **HB 290 DO PASS AS AMENDED.** Motion carried 11-9 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Greef, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Karjala and Rep. Knudsen voted by proxy.

02:34:01 Chair Essmann

02:34:36 Rep. Lamm

02:34:39 Chair Essmann

**ADJOURNMENT**

Adjournment: 02:35:34

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Jennifer Petersen, Secretary

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Additional Documents:

**EXHIBIT([sth25aad.pdf](#))**