

## MINUTES

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

### COMMITTEE ON STATE ADMINISTRATION

**Call to Order:** Chair Jeff Essmann, on February 20, 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. Bob Brown (R)  
Rep. Moffie Funk (D)  
Rep. Frank Garner (R)  
Rep. Edward Greef (R)  
Rep. Denise Hayman (D)  
Rep. Jessica Karjala (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)

**Members Excused:**

Rep. Casey Schreiner, Vice Chair (D)  
Rep. Bryce Bennett (D)  
Rep. Austin Knudsen (R)  
Rep. Art Wittich (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: HB 454, 2/12/2015; HB 502, 2/12/2015; HB 514, 2/12/2015; HB  
561, 2/12/2015

00:00:01 Chair Essmann

**HEARING ON HB 502**

**Opening Statement by Sponsor:**

00:01:36 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 502, Revise political committee contribution laws for legislative candidates.

00:04:25 Chair Essmann

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

00:04:50 Mary Baker, Program Supervisor, Office of the Commissioner of Political Practices (COPP)

**Questions from Committee Members and Responses:**

00:06:11 Rep. Funk

00:07:23 Rep. Fitzpatrick

00:09:26 Rep. Hayman

00:09:57 Rep. Fitzpatrick

00:10:43 Rep. Garner

00:10:54 Rep. Fitzpatrick

00:11:55 Rep. Greef

00:12:25 Rep. Fitzpatrick

00:12:57 Chair Essmann

00:14:04 Rep. Fitzpatrick

00:14:47 Chair Essmann

**Closing by Sponsor:**

00:15:01 Rep. Fitzpatrick

00:15:14 Chair Essmann

**HEARING ON HB 454**

**Opening Statement by Sponsor:**

00:15:31 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 454, Revising how political party may select committee representatives for precincts.

00:19:00 Chair Essmann

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:19:19 Mark Mackin, self

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:21:32 Rep. Lamm  
 00:21:57 Rep. Fitzpatrick  
 00:22:20 Rep. Mandeville  
 00:23:15 Rep. Fitzpatrick  
 00:24:24 Rep. McKamey  
 00:25:00 Rep. Fitzpatrick  
 00:26:58 Rep. B. Brown  
 00:27:30 Rep. Fitzpatrick  
 00:28:01 Rep. Hayman  
 00:28:50 Rep. Fitzpatrick  
 00:30:04 Vice Chair Schreiner  
 00:30:31 Rep. Fitzpatrick  
 00:31:11 Chair Essmann  
 00:31:57 Rep. Fitzpatrick

**Closing by Sponsor:**

00:32:32 Rep. Fitzpatrick  
 00:32:40 Chair Essmann

**HEARING ON HB 514****Opening Statement by Sponsor:**

00:33:38 Rep. Andrew Person (D), HD 96, opened the hearing on HB 514, Generally revise campaign finance laws.  
 00:34:14 *Chair Essmann gives gavel to Vice Chair Schreiner*

**EXHIBIT(sth39a01)**

00:40:11 *Rep. Wittich arrives*  
 00:44:59 Chair Schreiner

**Proponents' Testimony:**

00:45:08 Mark Mackin, self  
 00:45:50 Chair Schreiner  
 00:45:55 Mary Baker, Program Supervisor, Office off the Commissioner of Political of Political Practices (COPP)  
 00:46:47 Chair Schreiner

**Opponents' Testimony:**

00:46:58 Rep. Essmann (HD 54)  
 00:51:15 Chair Schreiner  
 00:51:23 Chris Gallus, self  
 00:55:21 *Rep. B. Bennett arrives*

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

00:56:44 Rep. Karjala  
 00:58:19 Rep. Person  
 01:02:26 Rep. Lamm

01:03:12 Mary Baker, COPP  
01:03:26 Rep. Lamm  
01:03:31 Mary Baker, COPP  
01:04:12 Rep. Lamm  
01:04:35 Mary Baker, COPP  
01:04:55 Rep. Hayman  
01:06:02 Rep. Essmann (HD 54)  
01:08:20 Chair Schreiner  
01:08:33 Rep. Mandeville  
01:09:35 Rep. Person  
01:10:58 Mary Baker, COPP  
01:11:27 Rep. Mandeville  
01:11:51 Rep. Person  
01:13:36 Rep. Mandeville  
01:13:59 Rep. Person  
01:14:20 Chair Schreiner  
01:14:32 Rep. Garner  
01:14:41 *Rep. Webber leaves*  
01:15:27 Rep. Essmann (HD 54)  
01:16:11 Rep. Garner  
01:16:46 Rep. Essmann (HD 54)  
01:17:44 Rep. Wittich  
01:18:28 Rep. Person  
01:21:14 Chair Schreiner  
01:21:21 Rep. Wittich  
01:22:13 Rep. B. Bennett  
01:22:16 Rep. Wittich  
01:22:32 Chair Schreiner  
01:22:46 Rep. Wittich  
01:22:50 Chair Schreiner  
01:22:58 Rep. Wittich  
01:23:11 Rep. B. Bennett objects to discussion not being related to the bill  
01:23:21 Chair Schreiner rules that Rep. Wittich's question is out of order

01:23:29 **Motion:** Rep. Wittich moved **TO APPEAL THE RULE OF THE CHAIR.**

01:23:53 Rep. Garner  
01:23:55 Chair Schreiner  
01:24:02 Rep. Wittich  
01:24:07 Chair Schreiner

01:24:10 **Vote:** Motion carried 11-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen and Rep. Webber voted by proxy. Rep. Essmann was excused.

01:25:34 Rep. Wittich  
01:26:49 Rep. Person  
01:29:12 Rep. Wittich  
01:29:23 Rep. McKamey

01:30:14 Mary Baker, COPP  
 01:31:03 Rep. McKamey  
 01:31:19 Rep. Person  
 01:31:49 Rep. Karjala  
 01:32:00 Mary Baker, COPP  
 01:32:32 Rep. Karjala  
 01:33:19 Mary Baker, COPP  
 01:33:50 Rep. Karjala  
 01:34:39 Mary Baker, COPP  
 01:36:03 Rep. Karjala  
 01:36:44 Mary Baker, COPP  
 01:37:27 Chair Schreiner  
 01:37:53 Rep. Essmann (HD 54)  
 01:38:09 Chair Schreiner

**Closing by Sponsor:**

01:38:15 Rep. Person  
  
 01:40:36 Chair Schreiner hands gavel back to Rep. Essmann  
 01:41:00 Rep. Hayman  
 01:41:12 Chair Essmann

**HEARING ON HB 561****Opening Statement by Sponsor:**

01:42:22 Rep. Debra Lamm (R), HD 60, opened the hearing on HB 561, Prohibit election administrators from giving ballot before residency met.  
 01:46:28 Chair Essmann

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

01:46:41 Linda McCulloch, Secretary of State (SOS)  
 01:48:30 Linda Stoll, Montana Association of Clerks and Records and Election Administrators (MACREA)  
 01:50:00 Chair Essmann

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

01:50:13 Rep. Wittich  
 01:51:30 Linda McCulloch, SOS  
 01:51:51 Rep. McKamey  
 01:52:23 Linda McCulloch, SOS  
 01:52:44 Lisa Kimmet, Office of the Secretary of State (SOS)  
 01:53:09 Rep. McKamey  
 01:53:22 Lisa Kimmet, SOS  
 01:53:54 *Rep. Webber returns*  
 01:54:36 Rep. McKamey

01:54:53 Lisa Kimmet, SOS  
01:55:44 Rep. Mandeville  
01:56:53 Linda Stoll, MACREA  
01:57:44 Rep. B. Bennett  
01:58:04 Rep. Lamm  
01:58:40 Rep. B. Bennett  
01:58:58 Rep. Lamm  
01:59:12 Rep. B. Bennett  
01:59:30 Rep. Lamm  
02:00:13 Vice Chair Schreiner  
02:00:43 Rep. Lamm  
02:00:59 Vice Chair Schreiner  
02:01:27 Rep. Lamm  
02:01:41 Rep. B. Bennett  
02:02:12 Rep. Lamm  
02:02:23 Chair Essmann  
02:04:55 Rep. Lamm  
02:06:06 Vice Chair Schreiner  
02:06:30 Linda McCulloch (SOS)  
02:07:06 Chair Essmann  
02:07:39 Rep. Webber  
02:09:07 Linda Stoll, MACREA  
02:09:36 Rep. Webber  
02:09:38 Linda Stoll, MACREA  
02:09:56 Rep. Webber  
02:10:16 Chair Essmann  
02:10:33 Rep. B. Bennett  
02:10:59 Chair Essmann  
02:11:02 Linda McCulloch, SOS

**Closing by Sponsor:**

02:11:29 Rep. Lamm  
02:13:22 Chair Essmann  
02:14:03 Rep. Lamm  
02:14:09 Chair Essmann

02:14:18 Chair Essmann, Recess  
02:44:21 Chair Essmann, Reconvene

**EXECUTIVE ACTION ON HB 409**

02:45:04 **Motion:** Rep. Harris moved that **HB 409 DO PASS.**

02:45:16 Sheri Scurr, Legislative Services Division (LSD)

02:45:58 **Motion:** Rep. B. Bennett moved that **HB 409 BE AMENDED.**

**EXHIBIT**(sth39a02)

- 02:46:50 Vice Chair Schreiner
- 02:47:07 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.
- 02:47:35 **Motion:** Rep. Harris moved that **HB 409 DO PASS AS AMENDED.**
- 02:47:47 Rep. B. Bennett
- 02:49:05 **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.
- 02:50:21 **Motion/Vote:** Rep. Harris moved that **HB 409 BE TABLED.** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 437**

- 02:51:08 Sheri Scurr, LSD  
02:51:28 Chair Essmann
- 02:51:31 **Motion:** Rep. Harris moved that **HB 437 DO PASS.**
- 02:51:39 **Substitute Motion/Vote:** Rep. Schreiner made a substitute motion that **HB 437 BE TABLED.** Substitute Motion carried 14-6 by roll call vote with Rep. B. Brown, Rep. Garner, Rep. Harris, Rep. Knudsen, Rep. Lamm and Rep. Wittich voting no. Rep. Knudsen voted by proxy.

#### **EXECUTIVE ACTION ON HB 459**

- 02:54:04 Sheri Scurr, LSD  
02:54:18 Chair Essmann
- 02:54:25 **Motion:** Rep. Harris moved that **HB 459 DO PASS.**

#### **Discussion:**

- 02:54:33 Rep. B. Brown  
02:55:07 Rep. McKamey  
02:55:37 Rep. Wittich  
02:56:41 Rep. Mandeville  
02:57:00 Rep. Garner  
02:57:21 Rep. Schreiner  
02:57:52 Rep. Shaw
- 02:58:44 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. McKamey, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen voted by proxy.

02:59:54 **Motion/Vote:** Rep. Harris moved that **HB 459 BE TABLED**. Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

#### EXECUTIVE ACTION ON HB 460

03:00:40 Sheri Scurr, LSD

03:00:55 **Motion:** Rep. Harris moved that **HB 460 DO PASS**.

03:01:08 Chair Essmann

03:01:13 **Motion:** Rep. Schreiner moved that **HB 460 BE AMENDED**.  
[EXHIBIT\(sth39a03\)](#)

03:02:19 **Vote:** Motion carried 19-1 by voice vote with Rep. Schreiner voting no. Rep. Knudsen voted by proxy.

03:02:47 **Motion/Vote:** Rep. Harris moved that **HB 460 DO PASS AS AMENDED**. Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

#### EXECUTIVE ACTION ON HB 529

03:03:30 Chair Essmann

03:04:00 Sheri Scurr, LSD

03:04:12 **Motion:** Rep. Harris moved that **HB 529 DO PASS**.

03:04:19 Rep. B. Bennett

03:04:42 Chair Essmann

03:04:47 Without objection, Rep. Harris **withdrew the DO PASS** motion.

03:04:58 Rep. McKamey

03:05:07 Chair Essmann

#### EXECUTIVE ACTION ON HJ 14

03:05:47 Sheri Scurr, LSD

03:06:11 **Motion:** Rep. Harris moved that **HJ 14 DO PASS**.

03:06:23 Rep. Garner

03:06:38 **Vote:** Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

03:07:01 Chair Essmann

**EXECUTIVE ACTION ON HB 502**

03:07:34 Sheri Scurr, LSD

03:07:58 **Motion:** Rep. Harris moved that **HB 502 DO PASS.**

**Discussion:**

03:08:07 Rep. Hayman

03:08:40 Rep. Wittich

03:10:00 **Substitute Motion/Vote:** Rep. B. Bennett moved that **HB 502 BE TABLED.** Motion carried 19-1 by voice vote with Rep. Mandeville voting no. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 514**

03:11:03 Sheri Scurr, LSD

03:11:28 **Motion:** Rep. Harris moved that **HB 514 DO PASS.**

**Discussion:**

03:11:38 Rep. Garner

03:12:02 Rep. B. Brown

03:13:17 Rep. B. Bennett

03:14:33 Rep. Mandeville

03:15:23 Rep. Karjala

03:17:24 Rep. Funk

03:18:15 Chair Essmann

03:19:03 **Substitute Motion/Vote:** Rep. Garner moved that **HB 514 BE TABLED.** Motion carried 12-8 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting no. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 561**

03:21:01 Sheri Scurr, LSD

03:21:17 **Motion:** Rep. Harris moved that **HB 561 DO PASS.**

03:21:25 **Substitute Motion/Vote:** Rep. Lamm made a substitute motion that **HB 561 BE TABLED.** Substitute Motion carried 19-1 by voice vote with Rep. Wittich voting no. Rep. Knudsen voted by proxy.

**EXECUTIVE ACTION ON HB 283**

03:22:16 **Motion:** Rep. McKamey moved that **HB 283 BE REMOVED FROM TABLE.**

03:22:40 Chair Essmann  
 03:23:02 Rep. McKamey  
 03:23:14 Sheri Scurr, LSD  
 03:24:03 Chair Essmann

03:24:07 **Vote:** Motion failed 8-11 by roll call vote with Rep. Funk, Rep. Greef, Rep. Harris, Rep. Lamm, Rep. Mandeville, Rep. McKamey, Rep. Shaw and Rep. Wittich voting aye. Rep. Knudsen was excused.

**EXECUTIVE ACTION ON HB 247**

03:25:58 **Motion:** Rep. McKamey moved that **HB 247 BE REMOVED FROM TABLE.**

03:26:42 Sheri Scurr, LSD  
 03:26:58 Chair Essmann  
 03:27:11 Rep. McKamey  
 03:27:15 Chair Essmann

03:27:29 **Vote:** Motion carried 11-8 by roll call vote with Rep. B. Brown, Rep. Essmann, Rep. Garner, Rep. Harris, Rep. Lamm, Rep. Mandeville, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen was excused.

03:29:01 **Motion:** Rep. Harris moved that **HB 247 DO PASS.**

03:29:13 **Motion:** Rep. McKamey moved that **HB 247 BE AMENDED.**  
**EXHIBIT(sth39a04)**

**Discussion:**

03:29:33 Sheri Scurr, LSD  
 03:30:10 Rep. Funk  
 03:31:12 Chair Essmann

03:31:27 **Vote:** Motion carried 15-5 by roll call vote with Rep. B. Brown, Rep. Garner, Rep. Lamm, Rep. Mortensen and Rep. Wittich voting no. Rep. Knudsen voted by proxy.

03:32:36 **Motion:** Rep. Harris moved that **HB 247 DO PASS AS AMENDED.**

**Discussion:**

03:32:47 Rep. Wittich  
 03:33:56 Rep. Funk  
 03:34:48 Rep. Lamm  
 03:35:26 Rep. Greef  
 03:36:44 Rep. Karjala  
 03:37:27 Vice Chair Harris

- 03:38:19 Vice Chair Schreiner  
 03:39:23 Rep. B. Brown  
 03:40:18 Rep. B. Bennett  
 03:41:15 Chair Essmann  
 03:42:07 Rep. Garner  
 03:43:20 Rep. Shaw
- 03:43:51 **Vote:** Motion failed 9-11 by roll call vote with Rep. Bennett, Rep. Funk, Rep. Hayman, Rep. Karjala, Rep. McKamey, Rep. Price, Rep. Schreiner, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen voted by proxy.
- 03:45:10 **Motion/Vote:** Rep. Wittich moved that **HB 247 BE TABLED**. Motion carried unanimously by voice vote. Rep. Knudsen voted by proxy.

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

- 03:45:32 **Motion:** Rep. Schreiner moved that **HB 264 BE REMOVED FROM TABLE**.

#### **Discussion:**

- 03:45:46 Sheri Scurr, LSD  
 03:46:16 Chair Essmann  
 03:46:28 Sheri Scurr, LSD  
 03:48:08 *Rep. Wittich leaves*  
 03:49:02 Chair Essmann  
 03:49:07 Sheri Scurr, LSD  
 03:49:21 Rep. B. Bennett  
 03:49:38 Sheri Scurr, LSD  
 03:49:47 Chair Essmann
- 03:49:58 **Vote:** Motion carried 11-7 by roll call vote with Rep. Bennett, Rep. Brown, Rep. Garner, Rep. Greef, Rep. Harris, Rep. Lamm and Rep. Mandeville voting no. Rep. Knudsen and Rep. Wittich were excused.
- 03:52:04 **Motion:** Rep. Harris moved that **HB 264 DO PASS AS AMENDED**.

#### **Discussion:**

- 03:52:11 Rep. Garner  
 03:53:28 Sheri Scurr, LSD  
 03:54:16 Rep. Mandeville  
 03:55:24 Rep. Hayman
- 03:56:20 **Motion:** Rep. Price moved that **HB 264 BE AMENDED, REMOVING AMENDMENT HB026402.ASC**.
- 03:56:45 Chair Essmann  
 03:56:58 Sheri Scurr, LSD  
 03:57:05 Rep. Garner  
 03:57:26 Chair Essmann

- 03:57:29 **Vote:** Motion failed 6-14 by roll call vote with Rep. Essmann, Rep. Hayman, Rep. Mandeville, Rep. Price, Rep. Swanson and Rep. Webber voting aye. Rep. Knudsen and Rep. Wittich voted by proxy.
- 03:59:35 Sheri Scur, LSD  
03:59:55 Vice Chair Schreiner  
04:00:25 Rep. Mandeville
- 04:00:44 **Vote:** Motion that **HB 264 DO PASS AS AMENDED** failed 9-11 by roll call vote with Rep. Essmann, Rep. Karjala, Rep. McKamey, Rep. Mortensen, Rep. Price, Rep. Schreiner, Rep. Shaw, Rep. Swanson and Rep. Wittich voting aye. Rep. Knudsen and Rep. Wittich voted by proxy.
- 04:02:21 **Motion/Vote:** Rep. Garner moved that **HB 264 BE TABLED**. Motion carried unanimously by voice vote. Rep. Knudsen and Rep. Wittich voted by proxy.
- 04:02:44 Chair Essmann  
04:03:48 Rep. Garner  
04:03:59 Vice Chair Schreiner  
04:04:15 Chair Essmann

**ADJOURNMENT**

Adjournment: 04:04:52

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Jennifer Petersen, Secretary

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Additional Documents:

**EXHIBIT([sth39aad.pdf](#))**