

MINUTES

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

Call to Order: Chair Dee Brown, on February 23, 2015 at 3:00 PM, in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Dee Brown, Chair (R)
Sen. Roger Webb, Vice Chair (R)
Sen. Robyn Driscoll (D) arrived after roll call
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: Prudence Gildroy, 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: SB 319, 2/17/2015; SB 388, 2/21/2015; SB 382, 2/21/2015; SB 364, 2/19/2015; SB 370, 2/19/2015;

Executive Action: SB 311 Do Pass; SB 191 Do Pass as Amended; SB 238 Do Pass as Amended; SB 267 Be Tabled; SB 289 Do Pass as Amended; SB 319 Do Pass; SB 348 Do Pass; SB 364 Be Tabled; SB 370 Do Pass; SB 388 Be Tabled

EXECUTIVE ACTION ON SB 311

00:01:11 **Motion:** Sen. Webb moved that **SB 311 DO PASS.**

00:02:07 **Motion:** Sen. Webb moved that **SB 311 BE AMENDED.**
EXHIBIT(sts41a01)

Discussion:

00:02:22 Sen. Webb
00:03:08 Sen. Malek
00:03:34 Sen. Webb
00:03:41 Sen. Kary

00:04:26 **Vote:** Motion failed 3-4 by voice vote with Sen. Hinkle, Sen. Kary and Sen. Webb voting aye. Sen. Driscoll voted by proxy.

00:05:21 Chair Brown
00:05:30 Sen. Malek
00:07:29 Sen. Kary
00:08:27 Chair Brown
00:08:36 Sen. Whitford
00:09:23 Chair Brown
00:09:47 Sen. Webb
00:10:50 Sen. Hinkle
00:11:10 Sen. Webb

00:11:29 **Vote:** Motion failed 3-4 by roll call vote with Sen. Hinkle, Sen. Kary and Sen. Webb voting aye. Sen. Driscoll voted by proxy.

00:12:04 **MotionVote:** Sen. Malek moved that **SB 311 BE TABLED.** Motion carried 5-2 by voice vote with Sen. Kary and Sen. Webb voting no.

HEARING ON SB 319**Opening Statement by Sponsor:**

00:13:38 Sen. Mark Blasdel (R), SD 4, opened the hearing on SB 319, Clarifying proper venue for prosecution of campaign or election complaints.

Proponents' Testimony:

00:15:23 Chris Gallus, attorney, representing himself
00:18:34 Sen. Driscoll joined the meeting
00:19:46 Kendra Anderson, representing herself
00:23:37 Ron Murray, representing himself
00:25:23 Jim Brown, attorney, representing himself

Opponents' Testimony:

00:31:53 Jonathan Motl, Commissioner of Political Practices (COPP)

[EXHIBIT\(sts41a02\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

00:43:06 Sen. Hinkle
00:43:48 Mr. Motl, COPP
00:44:27 Sen. Hinkle
00:44:49 Mr. Motl
00:44:59 Chair Brown
00:45:02 Mr. Motl
00:45:09 Chair Brown
00:45:15 Mr. Motl
00:45:27 Sen. Hinkle
00:46:02 Mr. Motl
00:46:29 Sen. Hinkle
00:46:56 Mr. Brown, self
00:47:04 Sen. Hinkle
00:47:21 Mr. Brown
00:47:57 Chair Brown
00:48:04 Mr. Brown
00:48:16 Sen. Kary
00:48:59 Mr. Motl
00:49:06 Sen. Kary
00:49:09 Mr. Motl
00:49:57 Sen. Kary
00:50:31 Chair Brown
00:50:42 Sen. Kary
00:50:51 Chair Brown
00:51:57 Mr. Motl
00:53:57 Chair Brown
00:54:16 Mr. Motl
00:55:24 Chair Brown
00:55:39 Mr. Murray
00:57:30 Sen. Malek
00:58:32 Mr. Motl
00:58:47 Sen. Malek
00:59:40 Mr. Motl

Closing by Sponsor:

01:00:43 Sen. Blasdel

HEARING ON SB 388**Opening Statement by Sponsor:**

01:04:09 Sen. Lea Whitford (D), SD 8, opened the hearing on SB 388, Provide for Elouise Cobell day.

Proponents' Testimony:

01:10:56 Julie Kennerly, sister of Elouise Cobell
01:13:52 Rep. Susan Webber, HD 16
01:15:04 Denise Juneau, superintendent, Office of Public Instruction (OPI)
01:18:15 Linda Gryczan, representing herself
01:19:21 Andrew Huff, chief legal counsel, Governor's Office
01:21:30 Steven Powell, representing himself
01:23:10 Leo M. Kennerly, III, nephew of Elouise Cobell, representing himself
01:26:32 Karn Powell, sister of Elouise Cobell, representing herself
01:27:34 Shane Morigeau, Confederated Salish and Kootenai Tribes
01:29:09 Kim Abbott, Montana Human Rights Network
01:29:39 Rep. George Kipp, HD 15
01:30:11 Bill Powell, brother-in-law of Elouise Cobell, representing himself

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:31:07 Sen. Driscoll
01:31:22 Sen. Whitford
01:31:36 Chair Brown
01:32:01 Ms. Juneau, OPI
01:32:31 Chair Brown
01:32:37 Ms. Juneau

Closing by Sponsor:

01:33:30 Sen. Whitford
[EXHIBIT\(sts41a03\)](#)

01:36:52 Chair Brown

EXECUTIVE ACTION ON SB 382

01:36:59 **Motion/Vote:** Sen. Webb moved that **SB 382 BE TABLED**. Motion carried unanimously by voice vote.

[EXHIBIT\(sts41a04\)](#)

HEARING ON SB 364

Opening Statement by Sponsor:

01:37:55 Sen. Jill Cohenour (D), SD 42, opened the hearing on SB 364, Name the Montana Heritage Center after Betty Babcock.

Proponents' Testimony:

01:39:29 Sen. Debby Barrett, SD 36
01:40:32 Ed Bartlett, clerk, Montana Supreme Court
01:43:04 Chuck Jezick, representing himself

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:44:09 Sen. Cohenour

HEARING ON SB 370

Opening Statement by Sponsor:

01:45:24 Sen. Gene Vuckovich (D), SD 39, opened the hearing on SB 370, Revise laws related to corporate political contributions and expenditures.

Proponents' Testimony:

01:50:24 Andrew Huff, chief legal counsel, Governor's Office
01:50:59 Jonathan Motl, Commissioner of Political Practices
[EXHIBIT\(sts41a05\)](#)

Opponents' Testimony:

01:55:00 Gary Forrester, representing himself and MDU Resources

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:58:28 Sen. Vuckovich

EXECUTIVE ACTION ON SB 191

02:16:09 **Motion:** Sen. Driscoll moved that **SB 191 DO PASS**.

02:16:40 **Motion:** Sen. D. Brown moved that **SB 191 BE AMENDED**.
[EXHIBIT\(sts41a06\)](#)

Discussion:

02:17:41 Sen. Driscoll

02:17:48 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

02:18:54 **Motion:** Sen. Driscoll moved that **SB 191 DO PASS AS AMENDED**.

02:19:23 **Motion:** Sen. Hinkle moved that **SB 191 BE AMENDED**.
[EXHIBIT\(sts41a07\)](#)

Discussion:

02:20:02 Sen. Hinkle

02:20:11 Sen. Driscoll

02:20:20 Sen. Hinkle

02:20:39 Sen. Driscoll

02:20:44 Rachel Weiss, Legislative Services Division (LSD)

02:21:07 Without objection, Sen. Hinkle withdrew his motion.

02:21:45 **Motion/Vote:** Sen. Hinkle moved to **RECONSIDER PREVIOUS ACTION ON THE AMENDMENT**. Motion carried 5-2 by voice vote with Sen. Brown and Sen. Webb voting no.

02:22:23 **Motion/Vote:** Sen. Hinkle moved that **SB 191 BE AMENDED**. Motion carried 6-1 by voice vote with Sen. Webb voting no. (*see Exhibit 7*)

02:23:02 **Motion/Vote:** Sen. Driscoll moved that **SB 191 DO PASS AS AMENDED**. Motion carried 6-1 by voice vote with Sen. Webb voting no.

EXECUTIVE ACTION ON SB 238

02:23:41 **Motion:** Sen. Webb moved that **SB 238 DO PASS**.

02:24:14 **Motion:** Sen. Webb moved that **SB 238 BE AMENDED**.
[EXHIBIT\(sts41a08\)](#)

Discussion:

02:24:28 Rachel Weiss, Legislative Services Division (LSD)

02:26:34 Chair Brown

02:27:05 Melanie Symons, Montana Public Employees Retirement Administration (MPERA)

02:28:03 **Vote:** Motion carried 6-1 by roll call vote with Sen. Brown voting no.

02:28:46 **Motion:** Sen. Webb moved that **SB 238 DO PASS AS AMENDED.**

Discussion:

02:28:48 Chair Brown

02:30:28 Sen. Driscoll

02:30:53 Chair Brown

02:31:28 Sen. Malek

02:32:27 **Vote:** Motion carried 5-2 by roll call vote with Sen. Brown and Sen. Kary voting no.

EXECUTIVE ACTION ON SB 267

02:33:04 **Motion:** Sen. Malek moved that **SB 267 DO PASS.**

Discussion:

02:33:20 Sen. Malek

02:34:59 Chair Brown

02:35:37 Sen. Malek

02:36:26 Sen. Hinkle

02:36:43 Sen. Malek

02:37:19 Chair Brown

02:38:29 Sen. Malek

02:38:33 Chair Brown

02:38:38 **Vote:** Motion failed 3-4 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting aye.

02:39:57 **Motion/Vote:** Sen. Webb moved that **SB 267 BE TABLED.** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

EXECUTIVE ACTION ON SB 289

02:40:33 **Motion:** Sen. Webb moved that **SB 289 DO PASS.**

Discussion:

02:40:50 Sen. Malek

02:42:29 **Motion:** Sen. Kary moved that **SB 289 BE AMENDED.**

EXHIBIT(sts41a09)

Discussion:

02:42:48 Sen. Kary
 02:43:28 Rachel Weiss, Legislative Services Division (LSD)
 02:44:59 Chair Brown
 02:45:09 Ms. Weiss, LSD
 02:46:13 Sen. Hinkle

02:46:20 Recess
 02:48:24 Reconvene

02:48:26 Sen. Malek
 02:49:30 Sen. Kary
 02:49:44 Sen. Malek
 02:50:32 Sen. Kary

02:50:36 **Vote:** Motion failed 3-4 by roll call vote with Sen. Brown, Sen. Hinkle and Sen. Kary voting aye.

02:51:44 **Motion:** Sen. Hinkle moved that **SB 289 BE AMENDED.**
EXHIBIT(sts41a10)

Discussion:

02:51:53 Ms. Weiss
 02:52:36 Sen. Hinkle
 02:54:57 Chair Brown
 02:55:05 Sen. Malek

02:57:15 **Vote:** Motion failed 3-4 by roll call vote with Sen. Hinkle, Sen. Kary and Sen. Webb voting aye.

02:58:03 **Vote:** Motion carried 4-3 by roll call vote with Sen. Hinkle, Sen. Kary and Sen. Webb voting no.

EXECUTIVE ACTION ON SB 319

02:58:54 **Motion:** Sen. Webb moved that **SB 319 DO PASS.**

Discussion:

02:59:17 Sen. Driscoll
 02:59:36 Chair Brown
 02:59:45 Sen. Driscoll
 03:00:15 Sen. Kary
 03:01:22 Sen. Malek
 03:02:53 Sen. Hinkle

03:03:07 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

EXECUTIVE ACTION ON SB 348

03:04:30 **Motion:** Sen. Webb moved that **SB 348 DO PASS.**

Discussion:

03:04:41 Sen. Whitford

03:05:05 Chair Brown

03:05:52 Sen. Malek

03:07:51 Chair Brown

03:08:00 **Vote:** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

03:10:00 Chair Brown

EXECUTIVE ACTION ON SB 364

03:10:09 **Motion/Vote:** Sen. Webb moved that **SB 364 DO PASS.** Motion failed 3-4 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting aye.

03:10:52 **Motion/Vote:** Sen. Webb moved that **SB 364 BE TABLED.** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

EXECUTIVE ACTION ON SB 370

03:11:45 **Motion:** Sen. Webb moved that **SB 370 DO PASS.**

03:12:13 **Substitute Motion/Vote:** Sen. Kary made a substitute motion that **SB 370 BE TABLED.** Substitute Motion carried 5-2 by roll call vote with Sen. Driscoll and Sen. Whitford voting no.

EXECUTIVE ACTION ON SB 388

03:12:55 **Motion:** Sen. Whitford moved that **SB 388 DO PASS.**

Discussion:

03:13:37 Chair Brown

03:13:52 Sen. Malek

03:14:37 **Vote:** Motion failed 3-4 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting aye.

03:15:09 **Motion/Vote:** Sen. Kary moved that **HR 388 BE TABLED.** Motion carried 4-3 by roll call vote with Sen. Driscoll, Sen. Malek and Sen. Whitford voting no.

ADJOURNMENT

Adjournment: 6:15 p.m.

Prudence Gildroy, Secretary

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Additional Documents:

EXHIBIT([sts41aad.pdf](#))