

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **SEN. STEVE GALLUS**, on April 6, 2005 at 3:00 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Carolyn Squires, Chairman (D)
Sen. Joe Balyeat (R)
Sen. Vicki Cocchiarella (D)
Sen. Mike Cooney (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:

Sen. Jon Ellingson (D)

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: SR 16, 3/31/2005
Executive Action: SR 16; HB 85; HB 167; HB 211; HB
244; HB 386; HB 411; HB 530; HB
590; SJ 14; HB 376

HEARING ON SR 16

Opening Statement by Sponsor:

SEN. MIKE COONEY (D), SD 40, opened the hearing on **SR 16**, Confirm certain gubernatorial appointments.

He informed the Committee this resolution is a continuation of Governor Schweitzer's appointees.

Proponents' Testimony:

Sheila Sterns, Commissioner of Higher Education, said she is before the Committee to support the confirmation of Steven Barrett, Bozeman, appointee for the Board of Regents. She said he is exceptionally well-qualified for this position. She added her support for the other people listed in SR 16. She urged the Committee to pass this bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor: Closed.

EXECUTIVE ACTION ON SR 16

{Tape: 1; Side: A; Approx. Time Counter: 3 - 4}

Motion/Vote: SEN. COCCHIARELLA moved that SR 16 DO PASS. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, SEN. ELLINGSON, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 85

{Tape: 1; Side: A; Approx. Time Counter: 4 - 5}

Motion: SEN. SQUIRES moved that HB 85 BE CONCURRED IN. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, SEN. ELLINGSON, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 167

{Tape: 1; Side: A; Approx. Time Counter: 5 - 6}

Motion/Vote: SEN. COCCHIARELLA moved that HB 167 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, SEN. ELLINGSON, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 211

{Tape: 1; Side: A; Approx. Time Counter: 6 - 7}

Motion/Vote: SEN. COCCHIARELLA moved that HB 211 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, SEN. ELLINGSON and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 244

{Tape: 1; Side: A; Approx. Time Counter: 7 - 8}

Motion/Vote: SEN. SQUIRES moved that HB 244 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, SEN. ELLINGSON and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 376

{Tape: 1; Side: A; Approx. Time Counter: 8 - 10.3}

Discussion: The Committee members discussed HB 376. This bill moves the general election for president to March or April. SEN. BALYEAT informed the Committee that the bill will have a fiscal impact of \$750,000.

SEN. GALLUS commented that he likes having the elections held on the same day, and he will have to vote no for this bill. The Committee decided to place HB 376 on the back burner at this time.

EXECUTIVE ACTION ON HB 386

{Tape: 1; Side: A; Approx. Time Counter: 10.3 - 20.4}

Motion: SEN. COCCHIARELLA moved that HB 386 BE CONCURRED IN.

Discussion: The Committee members discussed the terms of the Commissioner of Political Practices and other political offices. This bill narrows the time-line from five years to two years that a person can run for office after they have held an office. **Dave Bohyer, LSD**, read the codes and stated the restrictions apply to anyone running for public office. **SEN. GALLUS** said he will not vote for this bill. **SEN. BALYEAT** feels there is some merit to the bill, and feels the Committee should pass it out to so it can be debated on the floor.

SEN. COCCHIARELLA discussed the issue she has, is that this bill that allows the Governor to fire the Commissioner of Political Practice, she doesn't agree with this and said she will not vote for the bill.

Motion to withdraw: SEN. COCCHIARELLA withdrew her motion.

Motion/Vote: SEN. BALYEAT moved that HB 386 BE CONCURRED IN. Motion failed 5-5 by roll call vote with SEN. BALYEAT, SEN. ESSMANN, SEN. LAIBLE, SEN. LEWIS, and SEN. SHOCKLEY voting aye. SEN. COONEY. SEN. SQUIRES and SEN. TROPILA voted no by proxy. SEN. ESSMANN, SEN. LAIBLE and SEN. SHOCKLEY voted aye by proxy.

EXECUTIVE ACTION ON HB 376

{Tape: 1; Side: B}

Motion: SEN. SHOCKLEY moved that HB 376 BE CONCURRED IN.

Substitute Motion/Vote: SEN. SHOCKLEY made a substitute motion that HB 376 BE TABLED. Substitute motion carried 6-4 by roll call vote with SEN. COCCHIARELLA, SEN. COONEY, SEN. SQUIRES, and SEN. TROPILA voting no. SEN. COONEY, SEN. SQUIRES and SEN. TROPILA voted no by proxy. SEN. ESSMAN, SEN. LAIBLE and SEN. SHOCKLEY voted aye by proxy.

EXECUTIVE ACTION ON HB 411

{Tape: 1; Side: B; Approx. Time Counter: 8.4 - 9}

Motion/Vote: SEN. LEWIS moved that HB 411 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 530

{Tape: 1; Side: B; Approx. Time Counter: 9 - 9.9}

Motion/Vote: SEN. COCCHIARELLA moved that HB 590 BE CONCURRED IN. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON HB 590

{Tape: 1; Side: B; Approx. Time Counter: 9.9 - 20.4}

Motion: SEN. COCCHIARELLA moved that HB 590 BE CONCURRED IN.

Discussion: The Committee discussed absentee ballot voting between federal and state. **Dave Bohyer, LSD,** informed the Committee the bill allows a absentee ballot voter to be put back on the active list in any election.

Vote: Motion carried 10-1 by voice vote with SEN. BALYEAT voting no. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, and SEN. ESSMANN voted aye by proxy.

EXECUTIVE ACTION ON SJ 14

{Tape: 1; Side: B; Approx. Time Counter: 20.4 - 24}

Motion/Vote: SEN. COCCHIARELLA moved that SJ14 DO PASS. Motion carried unanimously by voice vote. SEN. SQUIRES, SEN. TROPILA, SEN. COONEY, SEN. LAIBLE, and SEN. ESSMANN voted aye by proxy.

ADJOURNMENT

Adjournment: 5:00 P.M.

SEN. CAROLYN SQUIRES, Chairman

CLAUDIA JOHNSON, Secretary

CS/cj

Additional Exhibits:

EXHIBIT ([sts73aad0.PDF](#))