

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION

Call to Order: Chair Jim Shockley, on March 29, 2011 at 7:00 A.M., in Room 335 Capitol

ROLL CALL

Members Present:

Sen. Jim Shockley, Chairman (R)
Sen. Ron Arthun, Vice Chairman (R)
Sen. Joe Balyeat (R)
Sen. Larry Jent (D)
Sen. Llew Jones (R)
Sen. Carmine Mowbray (R)

Members Excused: Sen. Anders Blewett (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Nadine Spencer, 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: SJ 24, 3/25/2011

Executive Action: HB 122, Be Concurred In As Amended; HB 66, Be Concurred In; HB 306, Be Tabled; HB 491, Be Concurred In; HB 543, Be Concurred In As Amended; HB 483, Be Concurred In As Amended; HB 414, Be Concurred In As Amended; HB 344, Be Tabled; HB 530, Be Concurred In As Amended; HB 330, Be Concurred In; HB 386, Be Tabled; SJ 24, Do Pass

EXECUTIVE ACTION ON HB 122

00:00:42 **Motion:** Sen. Balyeat moved that **HB 122 BE CONCURRED IN.**

Discussion:

00:01:17 Sen. Balyeat

[EXHIBIT\(sts70a01\)](#)

[EXHIBIT\(sts70a02\)](#)

00:03:32 **Motion:** Sen. Balyeat moved that **HB 122 BE AMENDED.**

Discussion:

00:03:46 Sen. Arthun

00:03:54 Chairman Shockley

00:04:02 **Vote:** Motion carried unanimously by roll call vote. Sen. Blewett and Sen. Windy Boy voted by proxy.

00:05:53 **Motion:** Sen. Balyeat moved that **HB 122 BE CONCURRED IN AS AMENDED.**

_____ **Motion:** Sen. Balyeat moved that **HB 122 BE AMENDED.**

Discussion:

00:05:58 Sen. Balyeat

00:07:06 Rachel Weiss, LSD

00:07:32 Sen. Balyeat

00:07:49 Rachel Weiss

00:08:24 Sen. Balyeat

00:08:47 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett and Sen. Windy Boy voted by proxy.

Discussion:

00:09:09 Sen. Balyeat

00:09:21 **Motion:** Sen. Arthun moved that **HB 122 BE CONCURRED IN AS AMENDED.**

Discussion:

00:09:25 Sen. Balyeat

00:10:06 Rachel Weiss

00:10:13 Sen. Balyeat

00:10:22 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett and Sen. Windy Boy voted by proxy. Sen. Jent will carry the bill.

HEARING ON SJ 24**Opening Statement by Sponsor:**

00:11:38 Sen. Jim Shockley (R), SD 45, opened the hearing on SJ 24, Joint resolution to study issue of national popular vote for president.

00:11:40 Sen. Blewett entered the hearing.

Proponents' Testimony:

00:13:25 Patrick Rosensteel

[EXHIBIT\(sts70a03\)](#)

00:17:07 Mark Staples, Staples Law Firm, P.C., Missoula

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:19:21 Sen. Balyeat

00:23:45 Patrick Rosensteel

00:24:53 Sen. Jones

00:27:04 Patrick Rosensteel

Closing by Sponsor:

00:27:16 Chairman Shockley

EXECUTIVE ACTION ON HB 66

00:28:39 **Motion:** Sen. Balyeat moved that **HB 66 BE CONCURRED IN.**

Discussion:

00:28:47 Sen. Balyeat

00:29:02 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy. Sen. Arthun will carry the bill.

EXECUTIVE ACTION ON HB 306

00:29:31 **Motion:** Sen. Balyeat moved that **HB 306 BE CONCURRED IN.**

Discussion:

00:29:37 Sen. Balyeat

00:32:15 Sen. Mowbray

00:33:01 Sen. Jent
 00:35:19 Sen. Jones
 00:36:10 Sen. Blewett
 00:37:18 Sen. Balyeat

00:38:06 **Vote:** Motion failed 4-4 by roll call vote with Sen. Arthun, Sen. Balyeat, Sen. Jones and Sen. Mowbray voting aye. Sen. Windy Boy voted by proxy.

00:38:48 **Motion/Vote:** Sen. Arthun moved that **HB 306 BE TABLED**. Motion carried 6-2 by voice vote with Sen. Balyeat and Sen. Mowbray voting no. Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 491

00:39:23 **Motion:** Sen. Balyeat moved that **HB 491 BE CONCURRED IN**.

Discussion:

00:39:44 Sen. Arthun

00:40:04 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy. Sen. Mowbray will carry the bill.

EXECUTIVE ACTION ON HB 330

00:40:24 **Motion:** Sen. Blewett moved that **HB 330 BE CONCURRED IN**.

00:40:34 **Motion:** Sen. Blewett **WITHDREW MOTION THAT HB 330 BE CONCURRED IN**.

EXECUTIVE ACTION ON HB 543

00:40:57 **Motion:** Sen. Balyeat moved that **HB 543 BE CONCURRED IN**.

00:41:34 **Motion:** Sen. Arthun moved that **HB 543 BE AMENDED**.
[EXHIBIT\(sts70a04\)](#)

Discussion:

00:41:52 Rachel Weiss, Legislative Services Division (LSD)

00:42:39 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

00:42:55 **Motion:** Sen. Balyeat moved that **HB 543 BE CONCURRED IN AS AMENDED**.

Discussion:

00:43:17 Rachel Weiss, LSD

00:45:01 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy. Sen. Shockley will carry the bill.

EXECUTIVE ACTION ON HB 483

00:45:34 **Motion:** Sen. Balyeat moved that **HB 483 BE CONCURRED IN.**

Discussion:

00:45:37 Sen. Balyeat

00:46:35 **Motion:** Sen. Balyeat moved that **HB 483 BE AMENDED.**
EXHIBIT(sts70a05)

Discussion:

00:46:43 Rachel Weiss
00:48:09 Sen. Balyeat
00:48:48 Chairman Shockley
00:49:19 Tim Fox
00:49:25 Chairman Shockley
00:49:34 Rachel Weiss
00:50:51 Sen. Balyeat
00:51:16 Rachel Weiss

00:51:22 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

00:51:35 **Motion:** Sen. Balyeat moved that **HB 483 BE CONCURRED IN AS AMENDED.**

Discussion:

00:51:43 Sen. Jent

00:52:56 **Vote:** Motion carried 7-1 by voice vote with Sen. Mowbray voting no. Sen. Windy Boy voted by proxy. Sen. Balyeat will carry the bill.

EXHIBIT(sts70a06)

EXECUTIVE ACTION ON HB 414

00:53:28 **Motion:** Sen. Balyeat moved that **HB 414 BE CONCURRED IN.**

Discussion:

00:53:41 Chairman Shockley
00:53:52 Sen. Balyeat
00:53:59 Sen. Blewett
00:54:22 Rachel Weiss
00:57:25 Sen. Blewett

00:57:48 Chairman Shockley
00:57:52 Sen. Blewett
00:59:00 Sen. Balyeat
01:00:07 Chairman Shockley

01:00:41 **Motion:** Sen. Shockley moved that **HB 414 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

[EXHIBIT\(sts70a07\)](#)

Discussion:

01:01:19 Rachel Weiss
01:01:40 Sen. Blewett
01:02:25 Chairman Shockley

01:03:06 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy.

01:03:21 **Motion:** Sen. Balyeat moved that **HB 414 BE CONCURRED IN AS AMENDED.**

Discussion:

01:03:27 Sen. Jent
01:03:37 Chairman Shockley
01:03:40 Sen. Jent
01:05:10 Sen. Balyeat
01:05:29 Chairman Shockley
01:05:56 Sen. Mowbray
01:06:09 Chairman Shockley

01:06:13 **Motion:** Sen. Blewett moved that **HB 414 BE AMENDED WITH A CONCEPTUAL AMENDMENT.**

[EXHIBIT\(sts70a08\)](#)

Discussion:

01:06:26 Chairman Shockley
01:06:40 Sen. Balyeat
01:07:05 Chairman Shockley

01:07:35 **Vote:** Motion carried 7-1 by roll call vote with Sen. Balyeat voting no. Sen. Windy Boy voted by proxy.

01:08:16 **Motion:** Sen. Balyeat moved that **HB 414 BE CONCURRED IN AS AMENDED.**

Discussion:

01:08:21 Sen. Balyeat

01:08:34 **Vote:** Motion carried unanimously by voice vote. Sen. Windy Boy voted by proxy. Sen. Balyeat will carry the bill.

EXECUTIVE ACTION ON HB 344

01:08:57 **Motion:** Sen. Balyeat moved that **HB 344 BE CONCURRED IN.**

Discussion:

01:09:44 Sen. Jent
 01:11:21 Sen. Jones
 01:11:56 Sen. Balyeat
 01:12:35 Sen. Jent
 01:13:01 Sen. Blewett
 01:14:34 Chairman Shockley

01:17:08 **Vote:** Motion failed 4-4 by roll call vote with Sen. Arthun, Sen. Balyeat, Sen. Jones and Sen. Shockley voting aye. Sen. Windy Boy voted by proxy.

01:17:44 **Motion/Vote:** Sen. Arthun moved that **HB 344 BE TABLED.** Motion carried 7-1 by voice vote with Sen. Balyeat voting no. Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON HB 530

01:18:26 **Motion:** Sen. Balyeat moved to **RECONSIDER THE MOTION** on **HB 530.**

Discussion:

01:18:32 Sen. Balyeat
 01:19:09 Sen. Jent
 01:19:14 Sen. Mowbray
 01:20:43 Chairman Shockley
 01:21:49 Sen. Balyeat

01:22:15 **Vote:** Motion carried 6-2 by roll call vote with Sen. Mowbray and Sen. Shockley voting no. Sen. Windy Boy voted by proxy.

01:22:56 **Motion/Vote:** Sen. Balyeat moved that **HB 530 BE CONCURRED IN AS AMENDED** (previously amended on March 21, 2011). Motion carried 6-2 by roll call vote with Sen. Mowbray and Sen. Shockley voting no. Sen. Windy Boy voted by proxy. Sen. Blewett will carry the bill.

EXECUTIVE ACTION ON HB 386

01:24:14 **Motion:** Sen. Balyeat moved that **HB 386 BE CONCURRED IN.**

Discussion:

01:25:15 Sen. Blewett

01:25:21 **Motion:** Sen. Balyeat **WITHDREW MOTION THAT HB 386 BE CONCURRED IN.**

EXECUTIVE ACTION ON HB 330

01:25:25 **Motion:** Sen. Balyeat moved that **HB 330 BE CONCURRED IN.**

Discussion:

01:26:08 Sen. Balyeat
 01:29:01 Sen. Blewett
 01:30:23 Sen. Arthun
 01:30:42 Chairman Shockley
 01:30:51 Sen. Arthun
 01:30:54 Chairman Shockley
 01:32:03 Sen. Balyeat
 01:32:19 Sen. Jones
 01:33:15 Sen. Mowbray
 01:34:05 Sen. Jones
 01:34:26 Sen. Mowbray
 01:34:57 Chairman Shockley

01:35:25 **Vote:** Motion carried 5-3 by roll call vote with Sen. Arthun, Sen. Mowbray and Sen. Shockley voting no. Sen. Windy Boy voted by proxy. Sen. Blewett will carry the bill.

01:36:15 Chairman Shockley left the hearing and Vice Chairman Arthun assumed the responsibility of chair.

EXECUTIVE ACTION ON HB 386

01:36:26 **Motion:** Sen. Balyeat moved that **HB 386 BE CONCURRED IN.**

Discussion:

01:36:36 Sen. Balyeat
 01:37:45 Sen. Jones
 01:38:04 Sen. Balyeat
 01:38:31 Sen. Jones

01:39:32 **Vote:** Motion carried 5-3 by roll call vote with Sen. Arthun, Sen. Jones and Sen. Shockley voting no. Sen. Shockley and Sen. Windy Boy voted by proxy.

01:40:33
 01:40:45 **Motion:** Sen. Balyeat moved to **RECONSIDER THE MOTION** on **HB 386.**

01:41:08 **Vote:** Motion carried 6-0 by voice vote of members present and voting.

01:41:16 **Motion/Vote:** Sen. Balyeat moved that **HB 386 BE CONCURRED IN.** Motion failed 2-6 by roll call vote with Sen. Balyeat and Sen. Mowbray voting aye. Sen. Shockley and Sen. Windy Boy voted by proxy.

01:42:01 **Motion/Vote:** Sen. Balyeat moved that **HB 386 BE TABLED**. Without objection motion carried unanimously by voice vote of members present and voting.

EXECUTIVE ACTION ON SJ 24

01:42:23 **Motion:** Sen. Balyeat moved that **SJ 24 DO PASS**.

Discussion:

01:42:29 Sen. Blewett

01:43:24 Sen. Arthun

01:43:26 Sen. Blewett

01:43:32 Sen. Balyeat

01:44:13 **Vote:** Motion carried unanimously by voice vote. Sen. Shockley and Sen. Windy Boy voted by proxy.

Discussion:

01:44:37 Sen Jones

01:45:18 Sen. Balyeat

01:45:25 Sen. Jones

ADJOURNMENT

Adjournment: 8:45 A.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT([sts70aad.pdf](#))