

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON HOUSE BILL 658

Call to Order: Chairman Jeff Essmann, on April 24, 2009 at
11:00 A.M., in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Jeff Essmann, Chairman (R)
Rep. Mike Jopek, Vice Chair (D)
Rep. Dick Barrett (D)
Rep. Mark Blasdel (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Rep. Bob Lake (R)

Members Excused: None

Members Absent: None

Staff Present: Lee Heiman, Legislative Services Division
Debra L. Polhemus, Committee Secretary

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: NONE

Executive Action: HB 658 ~ FINAL ACTION PENDING
CODE COMMISSIONER'S RULING

Committee Business:

00:00:36 Chairman Essmann
[EXHIBIT\(frs88hb0658a01\)](#)
00:01:08 Rep. Jopek
00:01:59 Chairman Essmann
00:02:06 Rep. Jopek

EXECUTIVE ACTION ON HB 658

00:02:14 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED IN.**

00:02:38 **Motion:** Sen. Gebhardt moved that **HB 658 BE AMENDED.**
[EXHIBIT\(frs88hb0658a02\)](#)

Discussion:

00:03:00 Chairman Essmann
00:04:32 Rep. Jopek
00:05:13 Chairman Essmann
00:05:22 L. Harold Blattie, Montana Association of Counties
(MACo)
00:05:56 Rep. Jopek
00:06:19 L. Harold Blattie, MACo
00:07:03 Rep. Jopek
00:07:12 L. Harold Blattie
00:11:35 Chairman Essmann
00:12:22 Rep. Jopek
00:13:31 Chairman Essmann
00:13:44 Rep. Lake
00:14:43 Sen. Gillan
00:15:02 Chairman Essmann
00:15:09 Rep. Jopek
00:15:32 Chairman Essmann
00:16:08 Sen. Gebhardt
00:16:57 Rep. Jopek

00:17:34 **Vote:** Motion failed by roll call vote with Reps. Jopek
and Barrett voting no.

[EXHIBIT\(frs88hb0658a03\)](#)
Roll Call Vote

Discussion:

00:18:13 Rep. Jopek
00:18:23 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**
[EXHIBIT\(frs88hb0658a04\)](#)

Discussion:

00:19:25 Lee Heiman, Legislative Services Division (LSD)
00:22:51 Rep. Lake
00:23:01 Rep. Jopek
00:23:51 Chairman Essmann
00:24:12 Rep. Lake
00:24:27 Rep. Jopek
00:24:42 Alan Peura, Deputy Director, Department of Revenue
(DOR)

EXHIBIT (frs88hb0658a05)

00:26:00 Chairman Essmann
00:26:50 Sen. Gillan
00:27:06 Alan Peura, DOR
00:27:31 Sen. Gillan
00:28:09 Rep. Lake
00:28:29 Alan Peura
00:28:57 Rep. Lake
00:29:17 Rep. Jopek
00:29:53 Chairman Essmann
00:30:09 Rep. Jopek
00:30:42 Chairman Essmann
00:31:20 Rep. Jopek

00:31:31 Chairman Essmann deferred action on motion.

00:32:09 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**

EXHIBIT (frs88hb0658a06)

Discussion:

00:32:50 Rep. Jopek
00:33:10 Chairman Essmann
00:33:28 Rep. Jopek
00:33:54 Lee Heiman, LSD
00:34:06 Rep. Jopek
00:35:27 Rep. Barrett

00:36:12 Chairman Essmann withdrew motion to amend.

Discussion:

00:36:32 Rep. Lake
00:36:45 Rep. Jopek
00:37:20 Chairman Essmann
00:37:34 Rep. Jopek
00:37:43 Chairman Essmann
00:38:10 Sen. Gillan
00:38:37 Lee Heiman

00:39:25 **Motion:** Sen. Gillan moved that **HB 659 BE AMENDED.**
EXHIBIT(frs88hb0658a07)

Discussion:

00:39:54 Rep. Jopek
00:40:38 Lee Heiman

00:40:50 **Substitute Motion:** Rep. Lake made a substitute motion
that **THE PROPOSED AMENDMENT TO HB 658 BE TABLED.**
(While normally a non-debatable motion, Chairman
Essmann allowed committee discussion)

Discussion:

00:41:52 Rep. Jopek
00:42:03 Sen. Gillan
00:42:36 Rep. Lake

00:42:58 Chairman Essmann recognized Rep. Lake's motion to
withdraw substitute motion.

00:43:39 **Vote:** Motion failed by roll call vote with Sen. Gillan
voting aye.
EXHIBIT(frs88hb0658a08)
Roll Call Vote

Discussion:

00:44:14 Lee Heiman

00:46:00 **Motion:** Rep. Barrett moved that **HB 658 BE AMENDED.**
EXHIBIT(frs88hb0658a09)

Discussion:

00:46:15 Rep. Barrett
00:52:14 Rep. Lake
00:53:30 Rep. Jopek

00:56:41 Motion failed by roll call vote with Sen. Gillan and
Rep. Barrett voting aye.
EXHIBIT(frs88hb0658a10)
Roll Call Vote

Discussion:

00:57:34 Rep. Jopek
00:57:41 Chairman Essmann

00:57:56 Recess

(Note to audio listeners: Due to a lengthy committee break, several seconds of silence were inserted to represent the committee break before the second audio portion begins.)

Committee Business:

00:58:22 Chairman Essmann

00:58:50 Sen. Gebhardt

00:59:25 Lee Heiman

01:01:09 **Motion:** Rep. Barrett moved that **HB 658 BE AMENDED.**
EXHIBIT(frs88hb0658a11)

Discussion:

01:01:15 Rep. Barrett

EXHIBIT(frs88hb0658a12)

EXHIBIT(frs88hb0658a13)

01:03:53 Sen. Gillan

01:04:28 Rep. Barrett

01:04:43 Sen. Gillan

01:04:48 Lee Heiman

01:05:05 Rep. Jopek

01:06:32 Rep. Lake

01:06:56 Rep. Barrett

01:07:44 Rep. Lake

01:08:08 Rep. Barrett

01:08:25 Rep. Jopek

01:09:00 Rep. Barrett

01:09:24 Chairman Essmann

01:12:29 Rep. Jopek

01:14:06 Sen. Gillan

01:16:40 Rep. Lake

01:18:41 Rep. Jopek

01:19:17 Rep. Barrett

01:21:11 **Vote:** Motion failed with Sen. Gillan and Reps. Barrett
and Jopek voting aye.

EXHIBIT(frs88hb0658a14)

Roll Call Vote

01:21:53 Recess

01:22:16 Reconvene

Discussion:

01:22:26 Lee Heiman

01:23:47 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**
EXHIBIT(frs88hb0658a15)

Discussion:

01:24:37 Rep. Jopek
01:24:58 Lee Heiman
01:25:05 Rep. Jopek
01:25:18 Sen. Gillan
01:25:36 Chairman Essmann
01:26:12 Sen. Gillan
01:26:45 Chairman Essmann
01:27:09 Sen. Gillan
01:28:05 Rep. Lake
01:28:27 Chairman Essmann
01:28:55 Dan Bucks, Director, DOR
01:30:24 Chairman Essmann
01:30:39 Lee Heiman

01:30:48 **Substitution Motion:** Chairman Essmann offered
conceptual amendment to insert the text "limited to
single qualified residence" to amendment presently
before committee.

Discussion:

01:30:59 Rep. Jopek
01:31:31 Sen. Gillan
01:33:07 Rep. Barrett
01:34:55 Sen. Gillan
01:36:46 Rep. Lake
01:37:28 Chairman Essmann
01:38:46 Rep. Jopek
01:39:09 Sen. Gillan
01:39:25 Rep. Jopek
01:40:47 Chairman Essmann

01:41:35 **Vote:** Motion failed by roll call vote with Reps.
Barrett and Jopek voting no.
EXHIBIT(frs88hb0658a16)
Roll Call Vote

Discussion:

01:43:21 Lee Heiman

01:44:24 **Motion:** Rep. Jopek moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a17\)](#)

[EXHIBIT\(frs88hb0658a18\)](#)

Discussion:

01:53:35 Sen. Gillan

01:53:57 Rep. Jopek

01:54:58 **Vote:** Motion failed unanimously by roll call vote.

[EXHIBIT\(frs88hb0658a19\)](#)

Roll Call Vote

Discussion:

01:55:28 Lee Heiman

01:55:52 **Motion/Vote:** Sen. Gillan moved that HB 658 **BE AMENDED.**

Motion failed by roll call vote with Sen. Gillan voting
aye.

[EXHIBIT\(frs88hb0658a20\)](#)

[EXHIBIT\(frs88hb0658a21\)](#)

Roll Call Vote

Discussion:

01:57:47 Lee Heiman

01:57:54 **Motion:** Sen. Gillan moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a22\)](#)

Discussion:

01:58:03 Sen. Gillan

01:58:41 Rep. Jopek

01:58:55 Sen. Gillan

01:59:21 Rep. Jopek

01:59:44 Rep. Lake

01:59:57 **Vote:** Motion failed by roll call vote with Sen. Gillan
voting aye.

[EXHIBIT\(frs88hb0658a23\)](#)

Roll Call Vote

02:00:58 **Motion:** Chairman Essmann moved that **HB 658 BE AMENDED.**

[EXHIBIT\(frs88hb0658a24\)](#)

Discussion:

02:01:22 Rep. Jopek

02:01:56 **Vote:** Motion failed by roll call vote with Reps.
Barrett and Jopek voting no.

EXHIBIT(frs88hb0658a25)

Roll Call Vote

Discussion:

02:03:41 Lee Heiman

02:05:31 **Motion:** Rep. Lake moved that **HB 658 BE AMENDED.**

EXHIBIT(frs88hb0658a26)

Discussion:

02:06:20 Rep. Jopek

02:07:16 Rep. Lake

02:07:35 Rep. Jopek

02:08:08 Rep. Lake

02:08:15 Chairman Essmann

02:09:41 Rep. Jopek

02:10:09 **Vote:** Motion failed by roll call vote with Sen. Gillan
and Reps. Barrett and Jopek voting no.

EXHIBIT(frs88hb0658a27)

Roll Call Vote

Discussion:

02:11:04 Chairman Essmann

02:11:13 Rep. Lake

02:11:26 Chairman Essmann

02:12:24 Rep. Jopek

02:13:29 Sen. Gillan

02:15:17 Sen. Gebhardt

02:17:02 **Motion:** Sen. Gebhardt moved to **RECONSIDER THE PREVIOUS
ACTION OF FAILING TO ADOPT THE AMENDMENT TO HB 658.**

(See Exhibits #26 and #27)

Discussion:

02:17:52 Rep. Jopek

02:18:55 **Vote:** Motion failed by roll call vote with Reps.
Barrett and Jopek voting no.

EXHIBIT(frs88hb0658a28)

Roll Call Vote

02:19:45 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED
IN.**

Discussion:

02:20:02 Rep. Jopek
02:21:02 Sen. Gillan
02:21:18 Rep. Jopek
02:22:49 Sen. Gillan

02:24:31 Sen. Gebhardt withdrew the motion that **HB 658 BE
CONCURRED IN.**

02:25:08 **Motion:** Sen. Gillan moved to **RECONSIDER THE PREVIOUS
ACTION OF FAILING TO ADOPT THE AMENDMENT TO HB 658.**
(See Exhibits #24 and #25)

Discussion:

02:25:32 Rep. Jopek
02:26:13 Chairman Essmann
02:27:24 Rep. Jopek
02:27:55 Chairman Essmann
02:28:01 Rep. Jopek
02:29:04 Sen. Gillan
02:29:37 Rep. Jopek
02:30:06 Chairman Essmann
02:30:38 Rep. Jopek
02:31:25 Rep. Barrett
02:32:38 Sen. Gebhardt

02:32:48 **Vote:** Motion failed by roll call vote with Reps.
Barrett and Jopek voting no.

EXHIBIT(frs88hb0658a29)

02:34:06 **Motion:** Sen. Gebhardt moved that **HB 658 BE CONCURRED
IN.**

Discussion:

02:34:20 Rep. Jopek
02:34:35 Sen. Gillan
02:35:12 Rep. Lake

02:35:41 **Vote:** Motion failed by roll call vote with Reps.
Barrett and Jopek voting no.

EXHIBIT (frs88hb0658a30)

Roll Call Vote

Committee Business:

02:36:29 Rep. Jopek

02:36:36 Chairman Essmann

ADJOURNMENT

Adjournment: 6:10 P.M.

Debra L. Polhemus, Secretary

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Additional Documents:

EXHIBIT ([frs88hb0658aad.pdf](#))