

MINUTES

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

Call to Order: Chair Jim Shockley, on February 18, 2011 at 3:00 PM, 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. Carmine Mowbray (R)
Sen. Jonathan Windy Boy (D)

Members Excused: Sen. Anders Blewett (D)
Sen. Llew Jones (R)

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: SB 354, 2/15/2011; SB 369, 2/15/2011; SB 374, 2/17/2011; SB 380, 2/17/2011

Executive Action: SB 354, SB 48, SB 145, SB 369, Be Tabled; SB 380, Be Tabled; SB 354, Do Pass; SB 374, Do Pass; SB 328, SB 291 Be Amended

HEARING ON SB 354

Opening Statement by Sponsor:

00:00:12 Sen. Larry Jent (D), SD 32, opened the hearing on SB 354, Provide for Uniform Unsworn Foreign Declarations Act.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:01:11 Sen. Jent

EXECUTIVE ACTION ON SB 354

00:01:35 **Motion:** Sen. Jent moved that **SB 354 DO PASS.**

00:02:02 **Motion:** Sen. Jent moved to **WITHDRAW THE DO PASS MOTION ON SB 354.**

EXECUTIVE ACTION ON SB 48

Discussion:

00:02:50 Sen. Balyeat
00:03:42 Chairman Shockley
00:04:01 Rachel Weiss, LSD

EXHIBIT(sts40a01)

00:04:52 Sen. Balyeat
00:05:02 Rachel Weiss
00:06:02 Chairman Shockley
00:06:08 Sen. Balyeat
00:07:31 Rachel Weiss
00:07:57 Chairman Shockley
00:08:00 Rachel Weiss
00:08:19 Chairman Shockley
00:08:36 Sen. Balyeat

00:09:19 **Motion/Vote:** Sen. Arthun moved that **SB 48 BE REMOVED FROM TABLED.**
Motion carried 5-1 by roll call vote with Sen. Balyeat voting no.

00:09:30 Sen. Jones entered the hearing.

00:10:22 **Motion:** Sen. Arthun moved that **SB 48 DO PASS.**

00:10:41 **Motion:** Sen. Arthun moved that **SB 48 BE AMENDED.**

Discussion:

00:11:17 Sen. Windy Boy

00:11:36 Rachel Weiss

00:12:12 Sen. Balyeat

00:13:28 Chairman Shockley

00:13:40 Sen. Balyeat

00:13:48 **Vote:** Motion failed 3-5 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Blewett voted by proxy.

00:14:48 **Vote:** Motion failed 2-6 by roll call vote with Sen. Blewett and Sen. Windy Boy voting aye. Sen. Blewett voted by proxy.

00:15:25 **Motion/Vote:** Sen. Windy Boy moved that **SB 48 BE TABLED AND THE VOTE REVERSED.** Without objection the motion carried unanimously. (With this vote SB 48 remains on the table).

HEARING ON SB 374

Opening Statement by Sponsor:

00:15:40 Alan Olson (R), SD 23, opened the hearing on SB 374, Revise laws relating to election of party precinct committee representatives.

Proponents' Testimony:

00:16:55 Linda Stoll, Montana Association of County Clerks & Records & Election Administrators

00:18:05 Linda McCulloch, Montana Secretary of State

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:18:30 Sen. Balyeat

00:19:55 Linda Stoll

00:19:58 Sen. Balyeat

00:20:35 Linda McCulloch

00:21:01 Lisa Kimmet, Elections Deputy, Secretary of State's Office

00:21:56 Chairman Shockley

00:22:03 Sen. Balyeat

00:22:10 Lisa Kimmet

00:22:21 Sen. Balyeat

00:22:25 Chairman Shockley

00:22:52 Lisa Kimmet

00:23:15 Chairman Shockley
00:23:23 Sen. Mowbrey
00:23:35 Chairman Shockley

Closing by Sponsor:

00:24:09 Sen. Olson

EXECUTIVE ACTION ON SB 145

00:25:56 **Motion:** Sen. Arthun moved that **SB 145 BE REMOVED FROM TABLED.**

Discussion:

00:26:11 Sen. Jones
00:26:20 Chairman Shockley
00:26:37 Sen. Balyeat
00:26:42 Chairman Shockley

00:27:33 **Vote:** Motion carried 5-2 by roll call vote with Sen. Jent and Sen. Windy Boy voting no.

00:28:40 **Motion:** Sen. Arthun moved that **SB 145 DO PASS.**

Discussion:

00:28:49 Sen. Jones
00:30:30 Chairman Shockley
00:30:32 Sen. Jones
00:30:47 Sen. Windy Boy
00:30:58 Sen. Balyeat
00:32:13 Chairman Shockley

00:32:18 **Vote:** Motion failed 4-4 by roll call vote with Sen. Balyeat, Sen. Mowbray, Sen. Shockley and Sen. Windy Boy voting aye. Sen. Blewett voted by proxy.

00:33:21 **Motion/Vote:** Sen. Arthun moved that **SB 145 BE TABLED.** Motion carried unanimously by roll call vote. Sen. Blewett voted by proxy. (With this vote SB 145 remains on the table).

00:34:19 Chairman Shockley left the hearing.

HEARING ON SB 369

Opening Statement by Sponsor:

00:34:37 Sen. Jason Priest (R), SD 30, opened the hearing on SB 369, Revise laws for special elections.

Proponents' Testimony: None

Opponents' Testimony:

00:36:48 Bob Vogel, Montana School Boards Association (MTSBA)
00:39:51 Chairman Shockley entered the hearing.
00:43:26 Linda Stoll

Informational Testimony: None

Questions from Committee Members and Responses:

00:45:04 Sen. Arthun
00:47:04 Bob Vogel, MTSBA
00:47:43 Chairman Shockley
00:48:00 Bob Vogel
00:48:32 Sen. Mowbrey
00:49:07 Bob Vogel

Closing by Sponsor:

00:50:21 Sen. Priest
00:54:50 Sen. Shockley left the hearing.

HEARING ON SB 380**Opening Statement by Sponsor:**

00:54:58 Sen. Kim Gillan (D), SD 24, opened the hearing on SB 380, Generally revise laws regarding employer conduct regarding politics, religion.

Proponents' Testimony:

00:56:51 Jason Miller, Teamsters Local 190
EXHIBIT(sts40a02)
00:59:05 J. D. Lynch, Montana Building and Construction Trades
00:59:51 Chris Cavazos, AFL-CIO

Opponents' Testimony: None

Informational Testimony:

01:01:01 Mike Foster, Catholic Hospitals of Montana
01:03:16 Jerry Keck, Department of Labor and Industry

Questions from Committee Members and Responses:

01:04:16 Sen. Windy Boy
01:04:50 Sen. Gillan
01:05:36 Sen. Windy Boy
01:06:41 Jason Miller

01:07:42 Sen. Mowbrey
01:08:00 Jason Miller
01:08:34 Sen. Arthun
01:08:41 Jason Miller
01:09:08 Sen. Arthun
01:09:22 Sen. Gillan
01:09:31 Jason Miller
01:10:10 Sen. Arthun
01:10:15 Jason Miller

Closing by Sponsor:

01:10:44 Sen. Gillan

EXECUTIVE ACTION ON SB 369

01:13:19 **Motion:** Sen. Balyeat moved that **SB 369 DO PASS.**

Discussion:

01:13:25 Sen. Balyeat
01:15:07 Sen. Jones
01:16:30 Chairman Shockley entered the hearing.

01:16:30 **Vote:** Motion failed 1-7 by roll call vote with Sen. Balyeat voting aye. Sen. Blewett voted by proxy.

01:17:24 **Motion/Vote:** Sen. Jones moved that **SB 369 BE TABLED AND THE VOTE REVERSED.** Without objection the motion carried unanimously.

EXECUTIVE ACTION ON SB 380

01:17:48 **Motion:** Sen. Windy Boy moved that **SB 380 DO PASS.**

Discussion:

01:18:12 Sen. Balyeat
01:19:03 Sen. Mowbray
01:19:43 Sen. Windy Boy

01:19:54 **Vote:** Motion failed 3-5 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Blewett voted by proxy.

01:20:39 **Motion/Vote:** Sen. Balyeat moved that **SB 380 BE TABLED AND THE VOTE REVERSED.** Without objection the motion carried unanimously.

EXECUTIVE ACTION ON SB 354

01:21:14 **Motion:** Sen. Jent moved that **SB 354 DO PASS.**

Discussion:

01:21:28 Sen. Balyeat
 01:21:45 Sen. Arthun
 01:21:51 Sen. Jent
 01:22:16 Chairman Shockley
 01:22:25 Sen. Jent
 01:22:50 Sen. Balyeat
 01:22:59 Sen. Jent

01:23:06 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett voted by proxy.

EXECUTIVE ACTION ON SB 374

01:23:35 **Motion:** Sen. Arthun moved that **SB 374 DO PASS.**

Discussion:

01:23:42 Sen. Balyeat
 01:24:31 Chairman Shockley
 01:25:01 Sen. Windy Boy
 01:25:13 Sen. Balyeat
 01:25:23 Chairman Shockley

01:25:36 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett voted by proxy.

EXECUTIVE ACTION ON SB 328

01:27:04 **Motion:** Sen. Arthun moved that **SB 328 DO PASS.**

Discussion:

01:27:18 Chairman Shockley
 01:27:40 Sen. Jent
 01:29:44 Chairman Shockley
 01:30:02 Sen. Balyeat
 01:30:24 Rachel Weiss
 01:31:24 Sen. Balyeat
 01:32:56 Sen. Jent
 01:33:56 Sen. Arthun
 01:34:14 Sen. Jones
 01:34:55 Sen. Balyeat
 01:36:21 Chairman Shockley
 01:37:26 Chairman Shockley left the hearing.
 01:37:26 Sen. Jent
 01:39:49 Sen. Balyeat
 01:40:31 Rachel Weiss
 01:40:56 Sen. Balyeat
 01:41:28 Sen. Windy Boy
 01:42:00 Sen. Balyeat

01:42:40 Sen. Jent
 01:43:54 Chairman Shockley entered the hearing.
 01:44:36 Sen. Balyeat
 01:46:34 Chairman Shockley
 01:48:00 Sen. Jent
 01:48:18 Chairman Shockley
 01:48:48 Sen. Balyeat
 01:48:51 Rachel Weiss
 01:49:57 Sen. Balyeat
 01:50:13 Chairman Shockley
 01:50:23 Sen. Jent
 01:50:32 Chairman Shockley
 01:50:40 Sen. Windy Boy
 01:50:54 Chairman Shockley

01:51:07 **Substitute Motion/Vote:** Sen. Jent made a substitute motion that **SB 328 BE TABLED**. Substitute Motion failed 3-5 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Blewett voted by proxy.

01:52:45 **Motion:** Sen. Arthun moved to **WITHDRAW THE DO PASS MOTION ON SB 328**.

Discussion:

01:52:54 Sen. Jones
 01:53:21 Sen. Balyeat
 01:53:28 Chairman Shockley
 01:54:13 Sen. Jent
 01:55:15 Sen. Balyeat
 01:55:57 Chairman Shockley
 01:56:01 Sen. Jent
 01:56:25 Chairman Shockley
 01:58:05 Sen. Balyeat
 01:58:24 Chairman Shockley

EXECUTIVE ACTION ON SB 291

Discussion:

02:00:10 Rachel Weiss
EXHIBIT(sts40a03)
 02:01:53 Chairman Shockley
 02:01:57 Sen. Mowbrey
 02:02:03 Sen. Balyeat

02:02:16 **Motion:** Sen. Balyeat moved that **SB 291 DO PASS**.

02:02:23 **Motion:** Sen. Jones moved that **SB 291 BE AMENDED**.

Discussion:

02:02:29 Sen. Mowbrey
02:02:42 Chairman Shockley
02:02:46 Rachel Weiss
02:03:26 Chairman Shockley

02:03:34 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett voted by proxy.

02:03:50 **Motion:** Sen. Balyeat moved that **SB 291 DO PASS AS AMENDED.**

Discussion:

02:04:06 Sen. Balyeat
02:04:30 Chairman Shockley
02:04:35 Rachel Weiss
02:05:04 Sen. Balyeat
02:05:22 Rachel Weiss
02:05:51 Chairman Shockley
02:06:26 Sen. Balyeat
02:06:39 Chairman Shockley
02:06:42 Sen. Arthun
02:06:47 Chairman Shockley
02:07:05 Rachel Weiss
02:07:30 Chairman Shockley

02:08:06 **Motion:** Sen. Balyeat moved to **WITHDRAW THE DO PASS MOTION ON SB 291.**

ADJOURNMENT

Adjournment: 4:20 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT([sts40aad.pdf](#))