

## MINUTES

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

**Call to Order:** Chair Jim Shockley, on March 21, 2011 at 3:30 PM, in Room 303 Capitol

#### ROLL CALL

#### **Members Present:**

Sen. Jim Shockley, Chairman (R)  
Sen. Ron Arthun, Vice Chairman (R)  
Sen. Joe Balyeat (R)  
Sen. Carmine Mowbray (R)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Anders Blewett (D)  
Sen. Larry Jent (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: HB 131, 3/14/2011; HB 152, 3/14/2011; HB 255, 3/14/2011; HB 256, 3/14/2011; HB 530, 3/14/2011; HJ 19, 3/14/2011

Executive Action: HB 77, Be Concurred In; HB 116, Be Concurred In; HB 131, Be Concurred In; HB 134, Be Concurred In; HB 135, Be Concurred In; HB 180, Be Concurred In; HB 255, Be Concurred In; HB 256, Be Concurred In; HB 528, Be Concurred In; HJ 19, Be Concurred In; HB 346, Be Tabled; HB 530, Be Tabled

**HEARING ON HB 131**

**Opening Statement by Sponsor:**

00:00:16 Rep. Mike Menahan (D), HD 82, opened the hearing on HB 131, Clarify responsibilities for expense recovery rel to orphan hazardous materials.

**Proponents' Testimony:**

00:01:57 Ed Tinsley, Disaster and Emergency Services (DES)  
00:02:13 Steve Knecht, Disaster and Emergency Services (DES)  
00:03:15 Doug Neil, Montana State Firemen's Association  
00:03:51 Joseph Sands, Montana State Council of Professional Firefighters

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:04:24 Rep. Menahan  
00:04:30 Sen. Shockley left the hearing.

**HEARING ON HJ 19**

**Opening Statement by Sponsor:**

00:05:16 Rep. Timothy Furey (D), HD 91, opened the hearing on HJ 19, Resolution for veteran recognition.

**Proponents' Testimony:**

00:07:49 Russ Ritter, representing Montana Military Museum  
00:09:22 Patrick McCain

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:10:21 Rep. Furey

**HEARING ON HB 255**

**Opening Statement by Sponsor:**

00:12:38 \_\_\_\_\_ Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 255, Provide that every March 30 is Welcome Home Vietnam Veterans Day.

**Proponents' Testimony:**

00:18:12 Linda McCulloch, Montana Secretary State, representing herself

00:19:07 Mike Wheat

00:21:02 Beverly Stewart, Montana State Council, Associates of Vietnam Veterans of America (AVVA)

**EXHIBIT(sts63a01)**

00:25:18 Russ Ritter

00:26:54 Roger Nummerdor, Election Judge

00:27:36 Patrick McCain

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:28:54 Rep. Wilmer

00:29:01 Chairman Shockley entered the hearing.

**HEARING ON HB 256**

**Opening Statement by Sponsor:**

00:31:35 Rep. Franke Wilmer (D), HD 64, opened the hearing on HB 256, Provide for disposition of remains of military personnel.

**Proponents' Testimony:**

00:35:18 Jane Hamman, Montana Funeral Directors

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:36:06 Rep. Wilmer

**EXECUTIVE ACTION ON HB 256**

00:37:55 **Motion/Vote:** Sen. Balyeat moved that **HB 256 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Arthun will carry the bill.

**EXECUTIVE ACTION ON HB 255**

00:38:34 **Motion/Vote:** Sen. Balyeat moved that **HB 255 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Windy Boy will carry the bill.

**EXECUTIVE ACTION ON HJ 19**

00:39:17 **Motion/Vote:** Sen. Mowbray moved that **HJ 19 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Larsen will carry the bill.

00:40:21 recess

00:49:50 resume

**HEARING ON HB 530**

**Opening Statement by Sponsor:**

00:50:24 Rep. Ted Washburn (R), HD 69, opened the hearing on HB 530, Allow counties to prepare mail ballots before election day.

**Proponents' Testimony:**

00:53:12 Linda McCulloch, Montana Secretary of State

**EXHIBIT(sts63a02)**

00:54:51 Linda Stahl, Montana Association of Clerk and Recorders and Election Administrators

**EXHIBIT(sts63a03)**

00:59:21 Paulette DeHart, Lewis and Clark County Clerk and Recorder

01:01:29 Gladys Hardin, League of Women Voters of Montana (LWVMT)

01:01:53 Shantil Siaperas, Montana Association of Counties (MACo)

**Opponents' Testimony:**

01:02:21 Roger Nummerdor

01:04:12 Bob Faw

01:06:01 Roger Nummerdor

**EXHIBIT(sts63a04)**

01:07:02 Patrick McCain

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:08:39 Sen. Windy Boy  
 01:11:05 Linda McCulloch  
 01:11:45 Sen. Arthun  
 01:12:02 Paulette DeHart  
 01:12:31 Chairman Shockley  
 01:13:15 Paulette DeHart  
 01:13:51 Sen. Arthun  
 01:14:13 Linda McCulloch  
 01:15:06 Paulette DeHart  
 01:15:46 Sen. Arthun  
 01:15:51 Paulette DeHart  
 01:16:16 Chairman Shockley  
 01:19:16 Paulette DeHart  
 01:19:26 Sen. Arthun  
 01:19:34 Paulette DeHart

**Closing by Sponsor:**

01:19:59 Rep. Washburn

**HEARING ON HB 152****Opening Statement by Sponsor:**

01:22:40 Rep. Ted Washburn (R), HD 69, opened the hearing on HB 152, Revise proof of residency and identity requirements for voting.

**Proponents' Testimony:**

01:27:15 Roger Nummerdor  
 01:30:01 Bob Faw

**Opponents' Testimony:**

01:31:36 Linda McCulloch

**[EXHIBIT\(sts63a05\)](#)**

01:35:57 Eric Stern, Senior Counsel, Office of the Governor  
 01:37:51 Travis Hoffman, Montana Centers for Independent Living  
 01:39:04 Beth Breneman, Disability Rights Montana (DRM)  
 01:40:25 Verner Bertelsen former Montana Secretary of State  
 01:42:17 Chris Cavazos, Montana AFL-CIO  
 01:42:36 Olivia Riutta, Montana Women Vote

**[EXHIBIT\(sts63a06\)](#)****[EXHIBIT\(sts63a07\)](#)**

01:43:05 Jeanne Souvigny, Montana Conservation Voters Education Fund  
 01:43:23 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

01:43:41 Joy Bruck, AARP Montana

[EXHIBIT\(sts63a08\)](#)

01:44:04 Gladys Hardin, LWVMT

[EXHIBIT\(sts63a09\)](#)

[EXHIBIT\(sts63a10\)](#)

01:44:17 Jamee Greer, Montana Human Rights Network (MHRN)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:44:46 Sen. Windy Boy

01:45:07 Olivia Riutta

01:45:56 Sen. Windy Boy

01:46:08 Beth Brenneman

01:46:47 Sen. Windy Boy

01:49:28 Linda McCulloch

**Closing by Sponsor:**

01:50:33 Rep. Washburn

01:52:36 recess

01:58:54 resume

**EXECUTIVE ACTION ON HB 91**

01:59:21 **Motion:** Sen. Arthun moved that **HB 91 BE CONCURRED IN.**

**Discussion:**

01:59:36 Chairman Shockley

02:03:53 Rep. Ingraham

02:04:00 Chairman Shockley

02:04:12 Sen. Arthun

02:04:24 Rep. Ingraham

02:05:50 Chairman Shockley

02:06:02 Rep. Ingraham

02:06:48 Sen. Balyeat

02:13:09 Rep. Ingraham

02:13:53 Sen. Balyeat

02:14:37 Linda McCulloch

02:15:03 Sen. Windy Boy

02:15:40 Linda McCulloch

02:16:04 Sen. Windy Boy

02:17:26 Chairman Shockley

02:17:30 Linda McCulloch

02:19:00 Sen. Arthun

02:19:27 Linda McCulloch

02:21:08 Chairman Shockley

02:21:23 **Motion:** Sen.. Arthun moved to **WITHDRAW THE BE CONCURRED IN MOTION ON HB 91.**

02:21:35 Sen. Windy Boy  
 02:21:44 Rachel Weiss, LSD  
 02:22:05 Chairman Shockley  
 02:22:46 Rep. Ingraham  
 02:23:03 Chairman Shockley

**EXECUTIVE ACTION ON HB 180**

02:23:36 **Motion:** Sen. Mowbray moved that **HB 180 BE CONCURRED IN.**

**Discussion:**

02:23:47 Sen. Arthun  
 02:24:03 Sen. Mowbray  
 02:24:45 Sen. Windy Boy  
 02:25:11 Chairman Shockley  
 02:25:32 Sen. Windy Boy  
 02:25:37 Chairman Shockley  
 02:25:41 Sen. Balyeat

02:27:33 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

**DISCUSSION ON HB 122**

02:28:41 Chairman Shockley  
 02:29:09 Rachel Weiss  
 02:29:20 Chairman Shockley  
 02:29:22 Rachel Weiss  
 02:29:46 Sen. Balyeat  
 02:29:55 Rachel Weiss

**EXECUTIVE ACTION ON HB 77**

02:30:23 **Motion/Vote:** Sen. Arthun moved that **HB 77 BE CONCURRED IN.** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Blewett will carry the bill.

**EXECUTIVE ACTION ON HB 134**

02:32:18 **Motion:** Sen. Windy Boy moved that **HB 134 BE CONCURRED IN.**

**Discussion:**

02:32:56 Sen. Arthun  
 02:33:02 Rachel Weiss

02:33:19 Chairman Shockley  
02:33:21 Rachel Weiss

02:33:27 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

**EXECUTIVE ACTION ON HB 528**

02:34:58 **Motion:** Sen. Windy Boy moved that **HB 528 BE CONCURRED IN.**

**Discussion:**

02:35:06 Chairman Shockley  
02:35:26 Sen. Balyeat

02:35:51 **Motion:** Sen. Windy Boy moved to **WITHDRAW THE MOTION THAT HB 528 BE CONCURRED IN.**

**EXECUTIVE ACTION ON HB 135**

02:36:01 **Motion:** Sen. Balyeat moved that **HB 135 BE CONCURRED IN.**

**Discussion:**

02:36:13 Rachel Weiss  
02:36:19 Chairman Shockley

02:36:26 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

**EXECUTIVE ACTION ON HB 528**

02:37:43 **Motion:** Sen. Windy Boy moved that **HB 528 BE CONCURRED IN.**

**Discussion:**

02:38:10 Sen. Arthun  
02:38:31 Chairman Shockley  
02:38:36 Sen. Arthun

02:38:40 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Brown will carry the bill.

**EXECUTIVE ACTION ON HB 116**

02:39:34 **Motion:** Sen. Balyeat moved that **HB 116 BE CONCURRED IN.**

**Discussion:**

02:40:15 Sen. Balyeat

02:40:54 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

**EXECUTIVE ACTION ON HB 346**

02:42:06 **Motion:** Sen. Windy Boy moved that **HB 346 BE CONCURRED IN.**

**Discussion:**

02:42:28 Chairman Shockley  
 02:42:36 Rachel Weiss  
 02:43:09 Sen. Balyeat  
 02:44:37 Chairman Shockley  
 02:45:17 Rachel Weiss  
 02:45:55 Sen. Balyeat  
 02:46:06 Rachel Weiss  
 02:46:22 Sen. Balyeat  
 02:46:36 Chairman Shockley  
 02:46:48 Sen. Windy Boy  
 02:47:07 Rachel Weiss  
 02:47:28 Sen. Windy Boy  
 02:47:41 Sen. Balyeat  
 02:51:13 Chairman Shockley  
 02:51:20 Sen. Mowbray  
 02:51:40 Chairman Shockley  
 02:51:46 Rachel Weiss

02:52:09 **Vote:** Motion failed 3-5 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy.

02:52:49 **Motion:** Sen. Balyeat moved to **REVERSE THE VOTE AND TABLE THE BILL.** Without objection from the committee HB 346 was tabled.

**EXECUTIVE ACTION ON HB 131**

02:53:37 **Motion:** Sen. Mowbray moved that **HB 131 BE CONCURRED IN.**

**Discussion:**

02:53:59 Sen. Balyeat  
 02:54:46 Chairman Shockley  
 02:54:55 Sen. Balyeat  
 02:55:02 Sen. Arthun  
 02:55:06 Sen. Balyeat

02:55:18 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy. Sen. Jent will carry the bill.

**EXECUTIVE ACTION ON HB 530**

02:56:06 **Motion:** Sen. Mowbray moved that **HB 530 BE CONCURRED IN.**

**Discussion:**

02:56:20 Rachel Weiss

02:57:40 Motion: Sen. Arthun moved that **HB 530 BE AMENDED.**

**EXHIBIT(sts63a11)**

**Discussion:**

02:57:53 Rachel Weiss

02:59:32 **Vote:** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy.

02:59:55 **Motion:** Sen. Arthun moved that **HB 530 BE CONCURRED IN AS AMENDED.**

**Discussion:**

03:00:04 Sen. Mowbray

03:01:12 Chairman Shockley

03:01:25 Sen. Arthun

03:01:57 **Vote:** Motion failed 4-4 by roll call vote with Sen. Balyeat, Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy.

03:02:49 **Motion/Vote:** Sen. Arthun moved that **HB 530 BE TABLED.** Motion carried unanimously by voice vote. Sen. Blewett, Sen. Jent and Sen. Jones voted by proxy.

**ADJOURNMENT**

Adjournment: 6:35 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT([sts63aad.pdf](#))**