

MINUTES

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

Call to Order: Chair Jim Shockley, on March 23, 2011 at 2:45 PM, in Room 303 Capitol

ROLL CALL

Members Present:

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

Members Excused: Sen. Joe Balyeat (R)
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: HB 279, 3/14/2011; HB 297, 3/14/2011; HB 344, 3/14/2011; HB 489, 3/14/2011

Executive Action: HB 431, Be Concurred In; HB 91, Be Concurred In As Amended; HB 152, Be Concurred In As Amended; HB 279, Be Concurred In As Amended; HB 297, Be Concurred In As Amended; HB 489, Be Tabled; SB 397, Do Pass As Amended

EXECUTIVE ACTION ON HB 91

EXHIBIT(sts65a01)

Discussion:

00:00:26 Chairman Shockley
00:00:43 Rachel Weiss, LSD

00:00:53 **Motion:** Sen. Arthun moved that **HB 91 BE CONCURRED IN.**

00:01:31 **Motion:** Sen. Arthun moved that **HB 91 BE AMENDED.**

EXHIBIT(sts65a02)

Discussion:

00:01:43 Rachel Weiss
00:02:08 Sen. Arthun
00:02:13 Rachel Weiss
00:02:28 Chairman Shockley

00:02:35 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting.

00:03:04 **Motion:** Sen. Arthun moved that **HB 91 BE CONCURRED IN AS AMENDED.**

Discussion:

00:03:13 Sen. Windy Boy
00:03:48 Chairman Shockley
00:04:00 Sen. Arthun
00:04:27 Rachel Weiss
00:04:42 Sen. Arthun
00:04:45 Rachel Weiss
00:05:09 Sen. Arthun

00:05:14 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting. Sen. Gillan will carry the bill.

EXECUTIVE ACTION ON HB 152

00:05:53 **Motion:** Sen. Arthun moved that **HB 152 BE CONCURRED IN.**

Discussion:

00:06:03 Rachel Weiss
00:06:25 Chairman Shockley

00:06:48 **Motion:** Sen. Arthun moved that **HB 152 BE AMENDED.**
EXHIBIT(sts65a03)

Discussion:

00:07:01 Chairman Shockley
00:07:06 Rachel Weiss

00:08:10 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting.

00:08:30 **Motion:** Sen. Arthun moved that **HB 152 BE CONCURRED IN AS AMENDED.**

Discussion:

00:08:37 Sen. Windy Boy
00:09:58 Sen. Jent
00:11:39 Chairman Shockley
00:11:42 Sen. Mowbray
00:12:28 Sen. Arthun
00:12:38 Chairman Shockley
00:12:57 Sen. Arthun
00:13:39 Sen. Jent
00:13:48 Sen. Arthun
00:14:04 Chairman Shockley
00:14:15 Sen. Blewett entered the hearing.
00:14:53 Sen. Windy Boy

00:16:08 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Shockley will carry the bill.

EXECUTIVE ACTION ON HB 306

00:18:55 **Motion:** Sen. Arthun moved that **HB 306 BE CONCURRED IN.**

Discussion:

00:19:12 Sen. Jent

00:19:27 **Motion:** Sen. Arthun moved to **WITHDRAW THE BE CONCURRED IN MOTION ON HB 306.**

EXECUTIVE ACTION ON HB 310

00:20:16 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN.**

Discussion:

00:20:32 Sen. Mowbray
00:20:36 Chairman Shockley

00:20:51 **Motion:** Sen. Arthun moved that **HB 310 BE AMENDED.**
EXHIBIT(sts65a04)

Discussion:

00:20:58 Rachel Weiss

00:21:32 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.

Discussion:

00:22:10 Sen. Windy Boy
00:22:24 Chairman Shockley

00:22:28 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN AS AMENDED.**

Discussion:

00:22:40 Rachel Weiss

00:23:10 **Motion:** Sen. Arthun moved that **HB 310 BE AMENDED.**
EXHIBIT(sts65a05)

Discussion:

00:23:32 Sen. Blewett
00:23:53 Rachel Weiss
00:24:15 Sen. Blewett

00:24:43 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy.

00:26:13 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN AS AMENDED.**

Discussion:

00:26:21 Sen. Blewett
00:27:32 Sen. Arthun
00:27:56 Sen. Windy Boy
00:28:48 Sen. Arthun
00:28:54 Rachel Weiss
00:28:58 Sen. Windy Boy
00:29:24 Rachel Weiss
00:30:09 Sen. Windy Boy

00:30:42 Sen. Blewett
 00:31:17 Sen. Jent
 00:32:38 Sen. Blewett
 00:35:21 Chairman Shockley
 00:35:28 Sen. Jent
 00:36:05 Chairman Shockley
 00:36:30 Sen. Mowbray
 00:36:53 Chairman Shockley
 00:37:12 Sen. Mowbray

00:37:19 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Shockley will carry the bill.

HEARING ON HB 344

Opening Statement by Sponsor:

00:39:09 Rep. Steve Gibson (R), HD 78, opened the hearing on HB 344, Prohibit favoritism between for-profit and nonprofit corps in state contracts.

EXHIBIT(sts65a06)

Proponents' Testimony: None

Opponents' Testimony:

00:46:33 Pat Keim, representing Alternatives, Inc.

EXHIBIT(sts65a07)

00:55:09 Sue Wilkins, Missoula Correctional Services (MCS)

EXHIBIT(sts65a08)

00:59:31 Jim Ahrens, Great Falls Pre-Release Center

Informational Testimony: None

Questions from Committee Members and Responses:

01:00:15 Sen. Blewett
 01:00:52 Jim Ahrens
 01:01:28 Sen. Blewett
 01:06:09 Pat Keim
 01:06:43 Chairman Shockley
 01:15:04 Rep. Gibson
 01:15:25 Sen. Blewett
 01:16:22 Rep. Gibson
 01:16:41 Chairman Shockley
 01:20:24 Pat Keim

Closing by Sponsor:

01:20:46 Rep. Gibson

HEARING ON HB 279

Opening Statement by Sponsor:

01:26:29 Rep. Frank Smith (D), HD 31, opened the hearing on HB 279, Providing disaster and emergency services to tribal governments.

Proponents' Testimony:

01:28:46 Sen. Sharon Stewart- Peregoy, SD 21

EXHIBIT(sts65a09)

01:30:09 Annie Glover, Confederated Salish and Kootenai Tribe

Opponents' Testimony: None

Informational Testimony:

01:30:36 Ed Tinsley, DES

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:30:55 Rep. Smith

HEARING ON HB 297

Opening Statement by Sponsor:

01:31:52 Rep. Tom Berry (R), HD 45, opened the hearing on HB 297, Extend time frames to preserve historic right of way for state lands.

Proponents' Testimony:

01:34:23 Harold Blattie, Montana Association of Counties (MACo)

01:37:09 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:39:24 Sen. Windy Boy

01:42:21 Mary Sexton, DNRC

01:43:16 Chairman Shockley

01:51:28 Harold Blattie, MACo

01:52:05 Chairman Shockley

01:55:47 Mary Sexton
01:55:50 Chairman Shockley
01:56:42 Rep. Berry

Closing by Sponsor:

01:57:14 Rep. Berry

CONTINUED HEARING ON HB 279

Additional Proponents' Testimony:

01:57:36 Sen. Windy Boy
01:58:18 Loren "Bum" Stiffarm, Fort Belknap Community Counsel

HEARING ON HB 489

Opening Statement by Sponsor:

02:03:35 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 489, Revise statutory rules for determining residency for voting and registration.

Proponents' Testimony: None

Opponents' Testimony:

02:07:13 Harold Blattie, MACo
EXHIBIT(sts65a10)
02:10:28 Jorge Quintana, Office of Secretary of State
02:12:18 Shelbi Dantic, Montana Public Research Group (MontPIRG)

Informational Testimony: None

Questions from Committee Members and Responses:

02:13:05 Sen. Windy Boy
02:15:32 Jorge Quintana
02:16:21 Chairman Shockley
02:18:18 Jorge Quintana
02:18:37 Chairman Shockley
02:18:48 Rep. O'Neil

Closing by Sponsor:

02:19:53 Rep. O'Neil

EXECUTIVE ACTION ON HB 279

02:20:36 **Motion:** Sen. Arthun moved that **HB 279 BE CONCURRED IN.**

Discussion:

02:21:09 Sen. Mowbray
02:21:54 Sen. Windy Boy
02:22:53 Rachel Weiss
02:23:10 Chairman Shockley

02:23:17 **Motion/Vote:** Sen. Mowbray moved that **HB 279 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to add an "immediate" effective date . Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.

EXHIBIT(sts65a11)

02:23:58 **Motion/Vote:** Sen. Arthun moved that **HB 279 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Augare will carry the bill.

EXECUTIVE ACTION ON HB 297

Discussion:

02:24:56 Chairman Shockley
02:25:22 Sen. Windy Boy
02:25:36 Chairman Shockley

02:26:08 **Motion:** Sen. Arthun moved that **HB 297 BE CONCURRED IN**.

Discussion:

02:26:14 Chairman Shockley

02:26:53 **Motion:** Sen. Shockley moved that **HB 297 BE AMENDED WITH A CONCEPTUAL AMENDMENT** on page 1, line 15, the underlying number "2015" be stricken and substituted with "2013" and on page 2, line 29, the underlying number "2020" be stricken and substituted with "2025" with the same changes also being made on page 3.

EXHIBIT(sts65a12)

Discussion:

02:26:55 Chairman Shockley
02:27:54 Sen. Mowbray
02:28:05 Chairman Shockley
02:28:12 Sen. Mowbray
02:28:34 Chairman Shockley

02:29:21 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.

02:29:41 **Motion/Vote:** Sen. Arthun moved that **HB 297 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Jones will carry the bill.

02:30:38 Recess

02:31:10 Resume

02:43:29 Sen. Blewett was not in attendance after the meeting resumed.

EXECUTIVE ACTION ON HB 489

02:44:07 **Motion:** Sen. Arthun moved that **HB 489 BE CONCURRED IN**.

Discussion:

02:44:16 Chairman Shockley

02:44:41 **Substitute Motion/Vote:** Sen. Windy Boy moved that **HB 489 BE TABLED**. Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy.

EXECUTIVE ACTION ON SB 397

02:45:33 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS**.

Discussion:

02:45:58 Rachel Weiss

02:46:15 **Motion:** Sen. Windy Boy moved that **SB 397 BE AMENDED**.
[EXHIBIT\(sts65a13\)](#)

Discussion:

02:46:31 Sen. Windy Boy

02:47:41 Chairman Shockley

02:47:48 Sen. Windy Boy

02:48:45 Chairman Shockley

02:48:57 Sen. Arthun

02:49:00 Rachel Weiss

02:49:47 Chairman Shockley

02:49:53 Sen. Kaufmann, SD 41

02:50:38 Chairman Shockley

02:50:46 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy.

02:51:06 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS AS AMENDED**.

Discussion:

02:51:50 Rachel Weiss
 02:52:40 Chairman Shockley
 02:52:43 Chairman Shockley left the hearing.
 02:52:45 Sen. Kaufmann
 02:55:05 Sen. Arthun
 02:55:24 Sen. Kaufmann
 02:56:16 Sen. Jent

02:57:05 **Motion:** Sen. Jent moved that **SB 397 BE AMENDED.**
EXHIBIT(sts65a14)

Discussion:

02:57:20 Sen. Windy Boy
 02:57:34 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett, Sen. Jones and Sen. Shockley voted by proxy.
 02:57:59 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS AS AMENDED.**

Discussion:

02:58:08 Sen. Kaufmann
 02:58:43 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett, Sen. Jones and Sen. Shockley voted by proxy.

EXECUTIVE ACTION ON HB 431

02:59:33 **Motion:** Sen. Mowbray moved that **HB 431 BE CONCURRED IN.**

Discussion:

02:59:47 Sen. Windy Boy
 03:00:39 Sen. Arthun
 03:00:44 Sen. Windy Boy
 03:00:59 Chairman Shockley entered the hearing.
 03:01:49 Sen. Jent
 03:02:31 Chairman Shockley
 03:02:53 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

ADJOURNMENT

Adjournment: 5:50 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT([sts65aad.pdf](#))