

## MINUTES

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

**Call to Order:** Chair Jim Shockley, on April 8, 2011 at 4:20 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. Anders Blewett (D)  
Sen. Llew Jones (R)  
Sen. Carmine Mowbray (R)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Larry Jent (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: HB 632, 4/4/2011

Executive Action: HB 632, Be Concurred In As Amended; HB 306, Be Concurred In

**HEARING ON HB 632****Opening Statement by Sponsor:**

00:00:13 Rep. Janna Taylor (R), HD 11, opened the hearing on HB 632, Use spendable portion of coal sev. tax to pay down UAL in PERS, TRS, SRS, GWPORS.

**EXHIBIT(sts79a01)**

**Proponents' Testimony:**

00:02:09 Leo Barry, representing Association of Montana Retired Public Employees (AMRPE)

**EXHIBIT(sts79a02)**

**EXHIBIT(sts79a03)**

00:07:35 David Senn, Executive Director, Montana Teachers' Retirement System (TRS)

00:08:36 Roxanne Minnehan, Executive Director, Montana Public Employee Retirement Administration (MPERA)

00:09:30 Tom Schneider, Montana Public Employees Association (MPEA)

00:09:53 Jim Smith, Montana Sheriffs and Peace Officers Association (MSPOA)

00:10:14 George Golie, Montana Game Warden Association (MGWA)

00:10:36 Diane Fladmo, MEA-MFT

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:11:10 Sen. Balyeat  
00:11:55 David Senn, TRS  
00:12:14 Sen. Balyeat  
00:12:28 Chairman Shockley  
00:12:54 Sen. Balyeat  
00:13:24 Rep. Taylor  
00:15:21 Sen. Balyeat  
00:15:34 Rep. Taylor  
00:16:19 Chairman Shockley  
00:16:31 Rep. Taylor  
00:17:02 Chairman Shockley  
00:17:18 Sen. Balyeat  
00:17:31 Rep. Taylor  
00:17:46 Sen. Arthun  
00:18:05 Rep. Taylor  
00:18:26 Chairman Shockley  
00:18:56 Leo Barry, AMRPE  
00:19:08 Sen. Windy Boy  
00:19:25 Rep. Taylor

**Closing by Sponsor:**

00:19:37 Rep. Taylor

**EXECUTIVE ACTION ON HB 632**

00:20:44 **Motion:** Sen. Mowbray moved that **HB 632 BE CONCURRED IN.**

**Discussion:**

00:20:53 Sen. Balyeat  
 00:21:04 Chairman Shockley  
 00:21:12 Sen. Balyeat  
 00:21:38 Rachel Weiss, Legislative Services Division (LSD)

**EXHIBIT(sts79a04)**

00:21:43 Sen. Balyeat  
 00:21:48 Rachel Weiss, LSD  
 00:21:52 Sen. Jones  
 00:23:13 Chairman Shockley  
 00:23:52 Sen. Mowbray  
 00:24:06 Sen. Jones  
 00:24:22 Chairman Shockley  
 00:24:56 Leo Barry  
 00:25:35 Sen. Balyeat  
 00:25:46 Rachel Weiss  
 00:26:00 Chairman Shockley  
 00:26:28 Sen. Balyeat  
 00:27:55 Sen. Windy Boy left the hearing.  
 00:28:29 Sen. Mowbray  
 00:29:14 Leo Barry  
 00:29:56 Sen. Mowbray  
 00:30:07 Sen. Balyeat  
 00:30:45 Sen. Arthun  
 00:31:20 Sen. Jones  
 00:32:30 Chairman Shockley  
 00:33:53 Sen. Balyeat  
 00:34:38 Chairman Shockley  
 00:34:47 Sen. Blewett  
 00:35:50 Chairman Shockley  
 00:35:57 Sen. Jones  
 00:36:15 Chairman Shockley

00:36:22 **Motion:** Sen. Balyeat moved that **HB 632 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to put in a contingent voidness clause based on passage and approval of SB 54 and HB 122.

**Discussion:**

00:36:49 Chairman Shockley  
 00:37:14 Rachel Weiss

- 00:37:33 Sen. Mowbray  
 00:37:46 Rachel Weiss  
 00:37:49 Chairman Shockley  
 00:37:52 Rachel Weiss  
 00:38:04 Chairman Shockley
- 00:38:17 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Jent and Sen. Windy Boy voted by proxy.
- 00:38:47 **Motion:** Sen. Balyeat moved that **HB 632 BE CONCURRED IN AS AMENDED.**
- 00:39:00 **Motion/Vote:** Sen. Balyeat moved that **HB 632 BE AMENDED.** (See Exhibit 4) Motion carried unanimously by voice vote. Sen. Jent and Sen. Windy Boy voted by proxy.
- 00:39:32 **Motion/Vote:** Sen. Balyeat moved that **HB 632 BE CONCURRED IN AS AMENDED.** Motion failed 4-4 by roll call vote with Sen. Balyeat, Sen. Jones, Sen. Mowbray and Sen. Shockley voting aye. Sen. Jent and Sen. Windy Boy voted by proxy.
- 00:40:26 **Motion/Vote:** Sen. Balyeat moved to **RECONSIDER THE MOTION** on **HB 632.** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Jent and Sen. Windy Boy voted by proxy.
- 00:41:07 Chairman Shockley  
 00:41:13 Sen. Arthun  
 00:41:21 Sen. Blewett  
 00:41:35 Sen. Balyeat  
 00:42:06 Sen. Blewett  
 00:42:25 Chairman Shockley  
 00:42:28 Sen. Blewett
- 00:43:05 recess  
 00:52:31 reconvene
- 00:52:42 **Motion/Vote:** Sen. Blewett moved to **REMOVE THE CONCEPTUAL AMENDMENT ON HB 632.** Motion failed 3-5 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting aye. Sen. Jent and Sen. Windy Boy voted by proxy.
- 00:53:39 **Motion/Vote:** Sen. Balyeat moved that **HB 632 BE CONCURRED IN AS AMENDED.** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Jent and Sen. Windy Boy voted by proxy. Sen. Balyeat will carry the bill.

**EXECUTIVE ACTION ON HB 306**

- 00:54:46 **Motion:** Sen. Jones moved that **HB 306 BE REMOVED FROM TABLED.**

**Discussion:**

00:55:53 Chairman Shockley

00:57:04 **Vote:** Motion carried 5-1 by roll call vote by members present and voting with Sen. Blewett voting no.

**Discussion:**

00:57:54 Bruce Spencer, representing State Bar of Montana

00:58:56 Chairman Shockley

00:59:49 Bruce Spencer

00:59:57 **Motion:** Sen. Jones moved that **HB 306 BE CONCURRED IN.**

**Discussion:**

01:00:10 Chairman Shockley

01:01:52 Sen. Blewett

01:02:51 Chairman Shockley

01:04:03 Sen. Balyeat

01:04:59 Chairman Shockley

01:05:08 Sen. Balyeat

01:05:13 Chairman Shockley

01:06:15 Sen. Jones

01:06:19 Sen. Blewett

01:07:07 Chairman Shockley

01:07:11 Sen. Blewett

01:07:25 Chairman Shockley

01:07:35 Sen. Blewett

01:08:00 Sen. Balyeat

01:08:19 Chairman Shockley

01:08:37 Sen. Balyeat

01:08:40 Sen. Arthun

01:08:47 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Jent and Sen. Windy Boy voted by proxy. Sen. Jones will carry the bill.

**EXECUTIVE ACTION ON HB 346**

01:09:40 Chairman Shockley relinquished the chair to Vice-Chairman Arthun

**Discussion:**

01:09:45 Sen. Shockley

01:11:17 **Motion/Vote:** Sen. Shockley moved that **HB 346 BE REMOVED FROM TABLED.** Motion carried 6-0 by voice vote by members present and voting.

**Discussion:**

01:11:44 Sen. Shockley  
01:12:09 Sen. Balyeat  
01:12:16 Sen. Shockley  
01:14:58 Sen. Jones

01:15:47 **Motion:** Sen. Shockley moved that **HB 346 BE CONCURRED IN.**

**Discussion:**

01:15:56 Sen. Shockley  
01:16:22 Sen. Balyeat  
01:17:03 Rachel Weiss  
01:18:13 Sen. Shockley  
01:18:27 Sen. Jones  
01:18:58 Sen. Blewett  
01:19:09 Sen. Shockley  
01:19:17 Sen. Blewett  
01:19:25 Vice-Chairman Arthun  
01:19:32 Sen. Jones  
01:19:42 Sen. Balyeat  
01:20:05 Sen. Shockley  
01:20:12 Vice-Chairman Arthun  
01:20:38 Sen. Jones  
01:20:49 Sen. Shockley  
01:20:56 Sen. Blewett  
01:21:00 Sen. Jones  
01:21:08 Sen. Balyeat  
01:21:10 Sen. Shockley  
01:21:14 Vice-Chairman Arthun  
01:21:18 Sen. Shockley  
01:21:25 Nadine Spencer, Committee Secretary

01:21:50 **Vote:** Motion failed 4-4 by roll call vote with Sen. Blewett, Sen. Jent, Sen. Shockley and Sen. Windy Boy voting aye. Sen. Jent and Sen. Windy Boy voted by proxy.

01:22:28 **Motion/Vote:** Sen. Jones moved that **HB 346 BE TABLED.** Motion carried 6-0 by voice vote by members present and voting.

**Committee Business:**

01:22:45 Chairman Shockley

**Additional Documents:****EXHIBIT(sts79a05)**

Final Standing Committee Report for SR 6

**EXHIBIT(sts79a06)**

Final Standing Committee Report for SR 24

**ADJOURNMENT**

Adjournment: 5:45 P.M.

---

Nadine Spencer, Secretary

ns

Additional Documents:

**EXHIBIT([sts79aad.pdf](#))**