

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **VICE-CHAIRMAN LINDA MOSS**, on February 20, 2007
at 3:23 P.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Bob Hawks (D)
Sen. Carol C. Juneau (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Mitch Tropila (D)
Sen. Carol Williams (D)

Members Excused:

Sen. Kim Gillan, Chairman (D)

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Marigail Schreiner, 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: SB 361, SB 338, 1/31/2007; SB 438,
2/12/2007; SB 451, SB 339,
2/13/2007
Executive Action: SB 438, SB 349, SB 427

00:00:00 Vice Chairman Moss opened hearing on SB 438

HEARING ON SB 438

Opening Statement by Sponsor:

00:00:10 **SEN. JIM ELLIOTT (D), SD 7**, opened the hearing on **SB 438**, Generally revise laws on volunteer fire services.

Proponents' Testimony:

None

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

Sen. Elliott

EXECUTIVE ACTION ON SB 438

00:01:40 **Motion:** **SEN. GEBHARDT** moved that **SB 438** BE TABLED.

HEARING ON SB 361

Opening Statement by Sponsor:

00:01:49 **SEN. CHRISTINE KAUFMANN (D), SD 41**, opened the hearing on **SB 361**, Revise zoning protest law.

Proponents' Testimony:

00:06:45 Paul Stahl, Deputy County Attorney, Lewis and Clark
County

EXHIBIT(los38a01)

00:18:10 Ed Tinsley, Commissioner, Lewis and Clark County

00:20:12 Mike Murray, Commissioner, Lewis and Clark County

00:20:29 Tim Davis, Montana Smart Growth Coalition

EXHIBIT(los38a02)

Opponents' Testimony:

00:21:06 Michael Kakuk, Montana Association of Realtors

00:23:26 Andy Skinner, Resident, Helena

00:25:41 Steve Pilcher, Montana Stock Growers'

00:27:36 Ed Grady, Rancher, Canyon Creek

00:29:20 Cynthia Johnson, Pondera County Commissioner

00:30:28 Dustin Stewart, Montana Builder's Association

00:30:53 Chairman Gillan arrived

00:31:56 Mike Fasbender, Self

00:38:05 Anita Varone, Retired, Lewis and Clark County
Commissioner

Informational Testimony:

00:39:03 None

Questions from Committee Members and Responses:

00:39:12 Sen. Hawks to Paul Stahl

00:41:06 Sen. Laible to Paul Stahl

00:46:21 Sen. O'Neil to Ed Grady

00:49:37 Sen. Hawks to Ed Tinsley

Closing by Sponsor:

00:52:46 Sen. Kaufman

HEARING ON SB ON SB 451

Opening Statement by Sponsor:

00:54:42 **SEN. DAN HARRINGTON (D), SD 38**, opened the hearing on **SB 451**, Liability for cleanup of insured damaged property.

Proponents

00:58:28 JD Lynch, representing Butte-Silver Bow
01:01:04 Alec Hansen, League of Cities
01:04:42 Jerry Jimison, Mayor, City of Glendive
01:08:33 Jeff Miller, Fire Chief, Butte-Silver Bow
01:09:30 Bob McCarthy, County Attorney, Butte
01:10:59 Bob Worthington, CEO, MMIA

Opponents

01:11:57 Gordon Morris, on behalf of the State Auditor's Office
01:15:08 Dwight Easton, Farmer's Insurance Companies
01:17:41 Greg Van Horssen, State Farm Insurance Company
01:20:02 Aimee Grmoljez, Montana Banker's Association
01:20:59 Larry Kibbee, Property Casualty Insurance Company of America
01:22:12 Steve Yeakel, Montana Independent Bankers
01:22:38 Frank Cote, Farmers' Union Mutual Insurance Company
01:23:28 Roger McGlenn, Executive Director, Montana Insurance Agencies of Montana
01:24:32 Jason Thornrock, Self

Informational Testimony

01:25:56 None

Questions from the Committee:

01:26:13 Sen. Esp to JD Lynch

01:28:47 Chairman Gillan to Greg Van Horssen

01:31:40 Sen. Tropila to Greg Van Horssen

Closing by Sponsor:

01:32:58 Sen. Harrington

HEARING ON SB 338

Opening Statement by Sponsor:

01:37:23 **TERRY MURPHY (R), SD 39**, opened the hearing on **SB 338**,
Revise parkland dedication requirements.

Proponents' Testimony:

01:37:59 Harold Stepper, Jefferson County Planner

01:39:45 Harold Blattie, Executive Director, Montana Association
of Counties

Opponents' Testimony:

01:40:23 Michael Kakuk, Montana Association of Realtors

Informational Testimony:

01:41:43 None

Questions from Committee Members and Responses:

01:41:52 Sen. Tropila to Harold Blattie

01:43:45 Sen. Laible to Michael Kakuk

01:44:54 Sen. Esp to Michael Kakuk

01:46:51 Sen. Juneau

01:46:59 Sen. Hawks to Michael Kakuk

Closing by Sponsor:

01:48:05 Sen. Murphy

01:48:14 Break

HEARING ON SB 339

Opening Statement by Sponsor:

01:37:23 **TERRY MURPHY (R), SD 39**, opened the hearing on **SB 339**,
Revise annexation and zoning laws.

Proponents

01:55:54 Ken Weber, Chair, Jefferson County Commission

EXHIBIT (los38a03)

01:58:00 Sen. Bill Tash, SD 36

02:00:17 Rep. Scott Mendenhall, HD 57

02:02:34 Dick Johnson, Plant Manager Ash Grove Cement

02:07:48 Mary Bryson, Chairman, Board of Trustees, Montana City
School District

EXHIBIT (los38a04)

02:14:17 Harold Blattie. Executive Director, Montana Association
of Counties

02:17:01 Tony Kloker, Superintendent, Montana City School

02:20:01 Marlyn Atkins, Resident, Montana City

02:22:11 Matt Johnson, County Attorney, Jefferson County

EXHIBIT (los38a05)

02:24:53 Chuck Notbohm, Jefferson County Commissioner

02:25:17 Kris Menard, Citizen

02:27:32 Don Nulle, Retired Attorney, Resident Jefferson County

02:30:59 Ed Hall, Jefferson County
02:31:52 Tom Lythgo, Jefferson County Commissioner
02:32:18 Allen Erickson, Montana City Resident
02:33:08 Anita Varone, Retired, Lewis and Clark County
Commissioner

Opponents:

02:34:09 Michael Kakuk, Montana Association of Realtors
02:37:10 Tim Burton, City Manager. Helena

EXHIBIT(1os38a06)

EXHIBIT(1os38a07)

02:46:04 Jan Paulsen, Property Owner, Northern Jefferson County

EXHIBIT(1os38a08)

02:52:09 Alec Hansen, League of Cities and Towns

EXHIBIT(1os38a09)

02:56:15 Greg Dahl, Rand D. Partners, LLC

EXHIBIT(1os38a10)

03:00:48 Gordon Morris, on behalf of Lewis and Clark County
Commissioners

03:02:19 Cathy Burwell, CEO, Helena Chamber of Commerce

EXHIBIT(1os38a11)

03:03:35 Tim Davis, Montana Smart Growth Coalition

03:05:44 Harold Stepper, Jefferson County Planner - Proponent

Informational Testimony:

03:06:05 None

Questions from the Committee:

03:06:14 None

Closing Statement by Sponsor:

03:06:41 Sen. Murphy

03:10:18 Comments by Chairman Gillan

EXECUTIVE ACTION ON SB 349

03:11:31 **Motion:** SEN. GEBHARDT moved that SB 349 DO PASS.

03:11:44 **Motion:** SEN. GEBHARDT moved that SB 349 BE AMENDED.

Discussion:

03:12:12 Leanne Heisel

03:13:02 Chairman Gillan

03:13:17 **Vote:** Motion carried unanimously by voice vote.

03:13:28 **Motion:** SEN. GEBHARDT moved that SB 349 DO PASS AS AMENDED.

Discussion:

03:13:41 Sen. Gebhardt

03:14:07 Sen. Hawks

03:14:52 Sen. Esp

03:15:03 Leanne Heisel

03:15:25 Sen. O'Neil

03:16:15 **Substitute Motion:** SEN. O'NEIL made a substitute motion on SB 349.

Discussion:

03:16:23 Sen. Esp

03:16:50 Sen. Juneau

03:17:09 Sen. Laible

03:17:40 Sen. O'Neil

03:18:02 Sen. Gebhardt

03:18:40 Sen. O'Neil

03:19:08 Sen. Esp

03:19:17 Chairman Gillan

03:19:25 **Vote: Motion failed 1-10 by voice vote with SEN. O'NEIL voting aye.**

03:19:48 **Vote: Motion carried unanimously by voice vote on the original amendment.**

03:20:11 **Motion: SEN. GEBHARDT moved that SB 349 DO PASS AS AMENDED.**

Discussion:

03:20:20 Sen. Juneau

03:20:50 Sen. Gebhardt

03:21:34 Sen. Juneau

03:21:48 Leanne Heisel

03:23:14 **Motion/Vote: SEN. GEBHARDT moved that SB 349 BE CONCEPTUALLY AMENDED. Motion carried 10-1 by voice vote with SEN. JUNEAU voting no.**

03:24:00 **Motion/Vote: SEN. GEBHARDT moved that SB349 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. ESP voting no.**

EXECUTIVE ACTION ON SB 427

03:25:17 **Motion: SEN. HAWKS moved that SB 427 DO PASS.**

03:25:29 **Motion: SEN. HAWKS moved that SB 427 BE AMENDED.**

EXHIBIT (los38a12)

Discussion:

03:25:36 Sen. Hawks

03:28:49 Leanne Heisel
03:29:33 Sen. Hawks
03:30:17 Chairman Gillan to Sen. Hawks
03:31:05 Sen. Hawks
03:32:08 Sen. Esp
03:33:03 Sen. O'Neil
03:33:42 Sen. Hawks
03:34:00 Sen. Moss to Sen. Hawks
03:36:31 Chairman Gillan
03:38:04 **Vote: Motion carried unanimously by voice vote.**
03:38:12 **Motion: SEN. HAWKS moved that SB 427 DO PASS AS AMENDED.**

Discussion:

03:38:23 Sen. Hawks
03:39:34 Sen. Esp
03:40:31 Sen. Hawks
03:40:52 Sen. O'Neil to Sen. Hawks
03:41:37 Sen. Laible to Sen. Hawks
03:42:53 Leanne Heisel
03:43:52 Sen. Hawks
03:44:36 LEANNE HEISEL, Staff from Legislative Services proposed a CONCEPTUAL AMENDMENT on SB 427.

Discussion:

03:45:40 Sen. Gebhardt
03:46:10 Sen. Hawks
03:46:16 Leanne Heisel

03:46:59 **Motion:** SEN. HAWKS moved that SB 427 BE CONCEPTUALLY AMENDED.

Discussion:

03:47:11 Sen. Tropila

03:47:51 **Vote:** Motion to conceptually amend SB 427 carried unanimously by voice vote.

03:48:06 **Motion/Vote:** SEN. HAWKS withdrew his motion to do pass as amended on SB 427. Motion carried 10-1 by voice vote with SEN. ESP voting no.

ADJOURNMENT

Adjournment: 7:02 P.M.

SEN. KIM GILLAN, Chairman

MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

EXHIBIT ([los38aad.pdf](#))