

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: **SENATOR KIM GILLAN**, on January 23, 2009 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. John Esp, Chairman (R)

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, 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 166, 1/15/2009; SB 172,
1/15/2009

Executive Action: SB 9 ~ DO PASS AS AMENDED
SB 110 ~ TABLED

HEARING ON SB 172

Opening Statement by Sponsor:

00:00:49 **SEN. GREGORY BARKUS (R), SD 4**, opened the hearing on
SB 172, Authorize social host ordinances.

Proponents' Testimony:

00:03:33 Joe Brenneman, Flathead County Commissioner also
Emergency Medical Technician (EMT)
00:05:40 Deputy Travis Bruyer, Flathead County Sheriff Deputy
00:11:11 Vicki Turner, Director, Prevention Resource Center,
Department of Health and Human Services
00:14:04 Mark Staples, representing Montana Tavern Association
(MTA)
00:15:25 Gordon Morris, representing Lewis & Clark Commissioners
EXHIBIT(los16a01)
00:16:33 Melanie Reynolds, Health Officer, Lewis & Clark County
EXHIBIT(los16a02)
00:17:29 Robin Shropshire, Helena Commissioner

Opponents' Testimony: None

Informational Testimony:

00:18:28 Kris Minard, Youth Connections

Questions from Committee Members and Responses:

00:19:02 Sen. Gallus
00:19:17 Leanne Heisel, Legislative Services Division (LSD)
00:19:36 Sen. Laslovich
00:20:20 Joe Brenneman
00:20:36 Deputy Travis Bruyer
00:22:16 Sen. Laslovich
00:22:50 Deputy Travis Bruyer
00:23:26 Sen. Erickson
00:24:00 Robin Shropshire
00:25:03 Sen. Erickson
00:25:32 Sen. Barkus
00:25:49 Sen. Tutvedt
00:26:15 Deputy Travis Bruyer
00:26:48 Sen. Tutvedt
00:27:02 Deputy Travis Bruyer
00:29:12 Sen. Gallas
00:29:52 Deputy Travis Bruyer
00:30:23 Sen. Jackson
00:30:58 Deputy Travis Bruyer

Questions from Committee Members and Responses: (con't)

00:31:31 Sen. Jackson
00:31:39 Deputy Travis Bruyer
00:32:06 Sen. Essmann
00:32:28 Deputy Travis Bruyer

Closing by Sponsor:

00:33:36 Sen. Barkus
[EXHIBIT \(los16a03\)](#)

HEARING ON SB 166

Opening Statement by Sponsor:

00:35:03 **SEN. DAVE LEWIS (R), SD 42**, opened the hearing on **SB 166**, Allow low-interest coal tax trust fund loans to expand rail passenger service.

Proponents' Testimony:

00:40:27 Sharyl Ackley, Missoula, member National Association of Railroad Passengers (NARP)
00:42:25 Dave Strohmaier, Missoula City Council, Ward 1
[EXHIBIT \(los16a04\)](#)
00:46:53 Michael Ackley, Missoula, NARP
[EXHIBIT \(los16a05\)](#)
00:48:55 Tom Campbell
[EXHIBIT \(los16a06\)](#)
00:49:52 Tyler Evilsizer, Chairman, S.A.V.E. Foundation, Helena
00:50:46 Warren McGee, Livingston
00:52:45 Sheena Rice, Montana Public Research Group (MontPIRG)
00:53:38 Chere Jiusto, Executive Director, Montana Preservation Alliance, testifying for self
00:56:39 Chuck McMillan, Retired Amtrak Engineer, Helena
00:59:51 Roger DiBrito, Bitterroot Valley

Opponents' Testimony: None

Informational Testimony:

01:04:45 Verner Bertelsen, Co-Chairman, Montanans for the Coal Trust

Questions from Committee Members and Responses:

01:11:38 Sen. Essmann
01:12:14 Dave Strohmaier

01:13:07 Sen. Esp arrived at hearing

01:13:39 Sen. Jackson
01:14:04 Sen. Lewis
01:15:44 Sen. Barkus
01:16:39 Sen. Lewis
01:18:46 Sen. Barkus
01:19:07 Sen. Lewis
01:19:50 Sen. Tutvedt
01:20:15 Sen. Lewis

Closing by Sponsor:

01:21:15 Sen. Lewis

01:23:26 Chairman Esp

01:23:45 Break

01:34:18 Reconvene (Sen. Gallus was excused at this point)

EXECUTIVE ACTION ON SB 9

(Previous Executive Action on January 16, 2009)

01:34:36 **Motion/Vote:** Sen. Erickson moved that **SB 9 BE REMOVED FROM THE TABLE AND PREVIOUS EXECUTIVE ACTION RECONSIDERED.** Motion carried unanimously by voice vote of members present and voting.

01:34:58 **Motion:** Sen. Erickson moved that **SB 9 DO PASS.**

01:35:17 **Motion:** Sen. Erickson moved that **SB 9 BE AMENDED.**
(Amendment distributed on January 16, 2009)

Discussion:

01:35:28 Lee Ann Heisel, LSD
01:36:13 Sen. Erickson
01:36:35 Sen. Tutvedt

01:36:51 **Vote:** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

01:37:24 **Motion:** Sen. Erickson moved that **SB 9 DO PASS AS AMENDED.**

Discussion:

01:37:32 Sen. Essmann
01:37:58 Sen. Erickson
01:38:22 Sen. Essmann
01:38:53 Sen. Erickson
01:39:10 Leanne Heisel, LSD
01:39:28 Sen. Erickson
01:39:44 Chairman Esp
01:40:11 Sen. Erickson
01:40:45 Sen. Barkus
01:41:20 L. Harold Blattie, Executive Director, Montana Association of Counties (MACo)
01:43:00 Sen. Barkus
01:43:39 L. Harold Blattie, MACo
01:44:03 Sen. Erickson
01:44:47 Chairman Esp
01:44:57 Sen. Erickson
01:45:40 Chairman Esp
01:45:47 Leanne Heisel

01:46:40 **Motion/Vote:** Sen. Erickson moved that **SB 9 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to strike the words "but not limited to". Motion carried 8-1 by voice vote with Sen. Barkus voting no and Sen. Gallus voting by proxy.

01:47:14 **Motion/Vote:** Sen. Erickson moved that **SB 9 DO PASS AS AMENDED.** Motion carried 7-2 by voice vote with Sens. Barkus and Esp voting no and Sen. Gallus voting by proxy.

01:48:08 Chairman Esp

EXECUTIVE ACTION ON SB 110

01:48:37 **Motion:** Sen. Essmann moved that **SB 110 DO PASS.**
01:49:02 Chairman Esp
01:49:09 **Vote:** Motion failed unanimously by voice vote with Sen. Gallus voting by proxy.
01:49:32 Without objection, the committee agreed to reverse the vote and **TABLE SB 110.**

ADJOURNMENT

Adjournment: 4:00 P.M.

DEBRA POLHEMUS, Secretary

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Additional Documents:

EXHIBIT ([los16aad.pdf](#))