

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on January 26, 2009 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Ron Erickson (D)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Jeff Essmann, Vice Chairman (R)
Sen. Jesse Laslovich (D)

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 56, 1/16/2009; SB 262, 1/16/2009

Executive Action: SB 57 ~ DO PASS AS AMENDED
SB 58 ~ DO PASS AS AMENDED
SB 148 ~ DO PASS AS AMENDED
SB 166 ~ TABLED
SB 172 ~ AMENDED

HEARING ON SB 56

Opening Statement by Sponsor:

00:01:19 Sen. Trudi Schmidt (D), SD 11, opened the hearing on SB 56, Extend open meeting rights to members of homeowner and landowner associations.

Proponents' Testimony:

00:03:43 Steve Sem, Great Falls, member of landowners association

[EXHIBIT\(los18a01\)](#)

00:07:52 Michael Cropper, Double Arrow Ranch resident, Seeley Lake

[EXHIBIT\(los18a02\)](#)

00:10:36 Joann Wallenburn, Big Fork resident

[EXHIBIT\(los18a03\)](#)

[EXHIBIT\(los18a04\)](#)

[EXHIBIT\(los18a05\)](#)

00:18:48 Bob Wasson, Seeley Lake, Double Arrow Ranch Association

[EXHIBIT\(los18a06\)](#)

Opponents' Testimony:

00:21:27 L. Harold Blattie, President, representing Crestwood Homeowners Association

Informational Testimony: None

Questions from Committee Members and Responses:

00:24:10 Sen. Tutvedt
00:24:48 L. Harold Blattie
00:26:10 Sen. Tutvedt
00:26:22 Joanne Wallenburn
00:27:00 Sen. Jackson
00:27:33 Sen. Schmidt, SD 11
00:29:00 Sen. Jackson
00:29:16 Sen. Schmidt
00:29:43 Sen. Gillan
00:30:06 Bob Wasson
00:30:44 Sen. Gillan
00:31:49 Bob Wasson
00:33:40 Sen. Barkus
00:34:19 Steve Sem
00:34:59 Sen. Barkus
00:35:31 Steve Sem

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

00:36:08 Sen. Barkus
00:36:36 Sen. Schmidt
00:37:16 Sen. Erickson
00:38:02 Sen. Schmidt
00:39:30 Leanne Heisel, Legislative Services Division (LSD)
00:39:58 Chairman Esp
00:40:28 Steve Sem
00:41:06 Sen. Jackson
00:42:02 L. Harold Blattie
00:43:33 Sen. Jackson

Closing by Sponsor:

00:43:49 Sen. Schmidt

00:44:34 Recess

00:51:47 Reconvene

HEARING ON SB 262

Opening Statement by Sponsor:

00:52:04 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 262, Allow per unit assessment in water and sewer districts.

Proponents' Testimony:

00:53:54 Robert Carter, member of Target Range Sewer and Water District, Missoula

EXHIBIT(los18a07)

00:56:37 L. Harold Blattie, Executive Director, Montana Association of Counties (MACo)

00:57:38 Jim McDonald, Chairman, Target Range Sewer and Water District, Missoula

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:58:45 Sen. Barkus
00:59:01 Jim McDonald
01:00:27 Sen. Barkus
01:00:43 Jim McDonald
01:01:31 Sen. Erickson
01:02:04 L. Harold Blattie
01:04:36 Chairman Esp
01:04:48 Robert Carter

Closing by Sponsor:

01:06:26 Sen. David Wanzenried

01:07:48 Chairman Esp

CONTINUED EXECUTIVE ACTION ON SB 57
(Previous executive action on January 21, 2009)

01:08:03 **Motion:** Sen. Gillan moved that **SB 57 DO PASS AS AMENDED.**

01:08:47 **Motion:** Sen. Gillan moved that **SB 57 BE AMENDED.**
EXHIBIT(los18a08)

Discussion:

01:09:02 Chair Esp
01:09:19 Sen. Gillan

01:09:56 **Vote:** Motion carried unanimously by voice vote with Sen. Essmann voting by proxy and Sen. Gallus voting for Sen. Laslovich by proxy. (Shortly thereafter, Sen. Laslovich returned to committee meeting and confirmed his vote "aye" that SB 57 be amended.)

01:10:22 **Motion:** Sen. Gillan moved that **SB 57 BE AMENDED.**
EXHIBIT(los18a09)

Discussion:

01:11:09 Leanne Heisel, LSD
01:11:41 Chairman Esp
01:12:01 Sen. Gillan
01:12:24 Leanne Heisel
01:12:40 Hope Stockwell, Legislative Services Division (LSD)
01:13:02 Sen. Tutvedt
01:13:11 Chairman Esp
01:13:21 Sen. Gillan
01:13:51 Leanne Heisel
01:14:14 Chairman Esp

01:14:41 **Vote:** Motion failed 4-5 by roll call vote with Sens.
Erickson, Gallus, Gillan, and Laslovich voting aye and
Sen. Essmann voting by proxy.

01:15:36 Sen. Gallus
01:15:50 Chairman Esp

01:16:42 **Motion:** Sen. Tutvedt moved that **SB 57 BE AMENDED.**
EXHIBIT(los18a10)

Discussion:

01:17:00 Chairman Esp
01:18:07 Sen. Gillan
01:20:31 Sen. Tutvedt
01:21:07 Sen. Gillan
01:23:03 Leanne Heisel
01:23:20 Sen. Erickson
01:23:59 Sen. Gillan
01:24:41 Mike McGinley, Beaverhead County Commissioner, and
President, MACo
01:25:54 Sen. Barkus
01:26:38 Chairman Esp

01:27:01 Sen. Tutvedt withdrew his motion that **SB 57 BE AMENDED.**

01:27:11 Sen. Gillan
01:28:10 Sen. Erickson

01:28:39 **Motion:** Sen. Tutvedt moved that **SB 57 BE AMENDED.**
EXHIBIT(los18a11)

Discussion:

01:29:13 Sen. Tutvedt
01:29:30 Sen. Gillan
01:30:22 Sen. Erickson

01:30:42 **Vote:** Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.

01:31:03 **Motion:** Sen. Gillan moved that **SB 57 DO PASS AS
AMENDED.**

Discussion:

01:31:13 Sen. Gillan
01:31:59 **Vote:** Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.
01:32:45 Sen. Gillan

EXECUTIVE ACTION ON SB 58

01:33:27 **Motion:** Sen. Gillan moved that **SB 58 DO PASS.**

Discussion:

01:33:44 Sen. Gillan
01:34:13 **Motion:** Sen. Gillan moved that **SB 58 BE AMENDED.**
EXHIBIT(los18a12)

Discussion:

01:34:25 Sen. Gillan
01:34:31 Hope Stockwell, LSD
01:35:23 **Vote:** Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.
01:35:44 **Motion/Vote:** Sen. Gillan moved that **SB 58 DO PASS AS
AMENDED.** Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.

EXECUTIVE ACTION ON SB 172

01:37:34 **Motion:** Sen. Barkus moved that **SB 172 DO PASS.**

Discussion:

01:37:51 Sen. Barkus

01:38:01 **Motion:** Sen. Tutvedt moved that **SB 172 BE AMENDED.**
EXHIBIT(los18a13)

Discussion:

01:38:05 Sen. Tutvedt
01:39:05 Sen. Barkus
01:40:19 Sen. Erickson
01:41:02 Sen. Jackson
01:41:18 Sen. Gillan
01:41:38 Sen. Barkus
01:42:37 Sen. Jackson
01:42:59 Sen. Tutvedt

01:43:43 **Vote:** Motion carried 5-4 by roll call vote with Sens.
Barkus, Esp, Gillan, and Jackson voting no with Sen.
Essmann voting by proxy.

01:44:38 **Motion:** Sen. Barkus moved that **SB 172 DO PASS AS**
AMENDED.

Discussion:

01:45:07 Sen. Gallus
01:45:39 Sen. Gillan
01:45:53 Sen. Barkus
01:46:24 Chairman Esp

01:46:39 Sen. Barkus removed his motion of **SB 172 DO PASS AS**
AMENDED.

01:46:45 Without objection from the Committee, Chairman Esp
requested **SB 172** be considered further in a future
meeting.

EXECUTIVE ACTION ON SB 166

01:47:24 Sen. Gillan

01:48:42 **Motion:** Sen. Erickson moved that **SB 166 DO PASS.**

Discussion:

01:49:50 Chairman Esp

01:49:55 Sen. Erickson

01:49:59 Sen. Gallus

01:50:46 Leanne Heisel, LSD

01:51:10 Sen. Gillan

01:51:59 Sen. Barkus

01:53:05 Sen. Erickson

01:54:30 Chairman Esp

01:55:06 Sen. Gallus

01:55:25 **Vote:** Motion failed 2-7 by voice vote with Sens. Erickson and Jackson voting aye and Sen. Essmann voting by proxy. Without objection, the Chairman requested that the vote be reversed and the bill tabled.

01:55:00 Sen. Barkus left the meeting

EXECUTIVE ACTION ON SB 148

01:57:42 **Motion:** Sen. Gillan moved that **SB 148 DO PASS.**

01:57:50 **Motion:** Sen. Gillan moved that **SB 148 BE AMENDED.**
EXHIBIT(los18a14)

Discussion:

01:58:04 Leanne Heisel, LSD

01:59:15 Chairman Esp

01:59:37 **Vote:** Motion carried unanimously by voice vote with Sens. Essmann and Barkus voting by proxy.

01:59:57 **Motion:** Sen. Gillan moved that **SB 148 DO PASS AS AMENDED.**

02:00:31 **Motion:** Sen. Gillan moved that **SB 148 BE AMENDED** with #2 and #3 only.

EXHIBIT(los18a15)

02:01:04 **Vote:** Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.

02:01:20 **Motion/Vote:** Sen. Gillan moved that **SB 148 DO PASS AS
AMENDED**. Motion carried unanimously by voice vote with
Sen. Essmann voting by proxy.

Additional Exhibits:

EXHIBIT (los18a16)

Relating to SB 6 heard in committee on January 12, 2009

ADJOURNMENT

Adjournment: 5:05 P.M.

Debra Polhemus, Secretary

dp

Additional Documents:

EXHIBIT ([los18aad.pdf](#))