

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on February 16, 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. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Jeff Essmann, Vice 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 369, 2/5/2009; SB 390, 2/7/2009;
SB 392, 2/7/2009

Executive Action: SB 365 ~ TABLED
SB 390 ~ DO PASS
SB 392 ~ DO PASS
SB 345 ~ DO PASS AS AMENDED

HEARING ON SB 390

Opening Statement by Sponsor:

00:01:10 Sen. Dan McGee (R), SD 29, opened the hearing on
SB 390, Allow local government assistance from state.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:02:40 Sen. Erickson
00:02:56 Sen. McGee
00:04:20 Sen. Gillan
00:04:41 Sen. McGee
00:05:50 Sen. Barkus
00:06:00 Sen. McGee
00:06:22 Sen. Gallus
00:06:53 Leanne Heisel, Legislative Services Division (LSD)
00:07:19 Sen. Gallus
00:07:31 Sen. McGee

Closing by Sponsor:

00:08:18 Sen. McGee

HEARING ON SB 392

Opening Statement by Sponsor:

00:10:03 Sen. John Brueggeman (R), SD 6, opened the hearing on
SB 392, Revise subdivision laws.
[EXHIBIT\(los36a01\)](#)

Proponents' Testimony:

00:12:20 Steve Kilbreath, Subdivision Section Supervisor,
Montana Department of Environmental Quality (DEQ)
[EXHIBIT\(los36a02\)](#)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:14:59 Sen. Gillan
00:15:29 Steve Kilbreath, DEQ
00:17:09 Sen. Gillan
00:17:27 Chairman Esp
00:17:49 Steve Kilbreath
00:18:45 Sen. Tutvedt
00:19:04 Steve Kilbreath
00:19:45 Sen. Jackson
00:20:14 Steve Kilbreath

Closing by Sponsor:

00:20:57 Sen. Brueggeman

00:22:40 Sen. Gillan assumes Chair position from Chairman
Esp.

HEARING ON SB 369

Opening Statement by Sponsor:

00:22:56 Sen. John Esp (R), SD 31, opened the hearing on SB 369,
Revise county process and penalties for violations of
noxious weed laws.

00:26:19 Sen. Essmann arrived at hearing.

Proponents' Testimony:

00:27:03 Mike McGinley, Beaverhead County Commissioner, and
President, Montana Association of Counties (MACo)
00:29:00 Roger Lloyd, Certified Pesticide Applicator, Helena
00:30:19 L. Harold Blattie, Executive Director, MACo
00:32:06 Pam Converse, Broadwater County Weed Coordinator

Opponents' Testimony:

00:34:17 Aimee Grmoljez, representing Burlington Northern/Santa
Fe Railroad (BNSF)

Informational Testimony: None

Questions from Committee Members and Responses:

00:36:33 Sen. Laslovich
00:37:04 Aimee Grmoljez, BNSF
00:37:45 Sen. Laslovich
00:38:45 Aimee Grmoljez
00:40:00 Sen. Laslovich
00:40:18 Mike McGinley
00:41:08 Chairwoman Gillan
00:41:23 Pam Converse
00:42:55 Sen. Erickson
00:43:23 Pam Converse
00:44:43 Sen. Erickson
00:45:07 Sen. Esp
00:45:48 Sen. Jackson
00:47:11 Sen. Esp
00:47:58 Sen. Gillan
00:48:33 Sen. Esp

Closing by Sponsor:

00:49:34 Sen. Esp

EXECUTIVE ACTION ON SB 365

00:51:09 **Motion:** Sen. Gallus moved that **SB 365 DO PASS.**

Discussion:

00:51:26 Sen. Tutvedt

00:51:37 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **SB 365 BE TABLED.** Substitute motion carried 8-1 by voice vote with Sen. Gallus voting no.

Discussion:

00:52:20 Sen. Laslovich
00:52:32 Chairman Esp

EXECUTIVE ACTION ON SB 390

00:53:16 **Motion:** Sen. Gillan moved that **SB 390 DO PASS.**

Discussion:

00:53:31 Sen. Jackson
00:53:42 Sen. Gallus
00:54:20 Sen. Gillan
00:54:43 L. Harold Blattie, MACo

00:55:21 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 392

00:55:47 **Motion:** Sen. Laslovich moved that **SB 392 DO PASS.**

Discussion:

00:55:55 Sen. Gillan
00:56:35 Leanne Heisel, LSD
00:56:47 Chairman Esp
00:57:11 Sen. Gillan
00:57:26 Chairman Esp
00:57:56 Sen. Essmann

00:58:30 **Vote:** Motion carried unanimously by voice vote.

Committee Business:

00:59:01 Chairman Esp
00:59:39 Sen. Tutvedt
01:00:02 Chairman Esp
01:00:36 Sen. Laslovich
01:00:31 Chairman Esp

EXECUTIVE ACTION ON SB 345

01:01:24 **Motion:** Sen. Tutvedt moved that **SB 345 DO PASS.**

01:01:39 **Motion:** Sen. Tutvedt moved that **SB 345 BE AMENDED.**
EXHIBIT(los36a03)

Discussion:

01:02:04 Sen. Tutvedt
01:02:32 Sen. Erickson
01:02:58 Leanne Heisel
01:03:28 Sen. Erickson
01:03:55 Chairman Esp
01:04:37 Sen. Tutvedt
01:05:25 Sen. Erickson
01:05:34 Sen. Tutvedt

Discussion: (Con't)

01:06:18 Sen. Gillan
01:08:10 Leanne Heisel
01:10:12 Sen. Erickson

01:11:11 **Vote:** Motion carried 6-3 by roll call vote with Sens. Erickson, Gallus, and Gillan voting no.

01:11:54 **Motion:** Sen. Tutvedt moved that **SB 345 DO PASS AS AMENDED.**

Discussion:

01:12:04 Sen. Erickson
01:12:10 Leanne Heisel

01:12:42 **Motion:** Sen. Erickson moved that **SB 345 BE AMENDED.**
EXHIBIT(los36a04)

Discussion:

01:13:06 Leanne Heisel
01:16:27 Sen. Erickson
01:18:00 Sen. Tutvedt
01:18:58 Sen. Gallas

01:19:10 **Substitute Motion:** Sen. Tutvedt made a substitute motion **TO SEGREGATE SECTIONS 2,3,5,6 AND 7** of the amendment. (See Exhibit 4)

Discussion:

01:19:32 Sen. Jackson

01:20:00 **Vote:** Motion carried unanimously by voice vote.

01:20:16 **Motion:** Sen. Erickson moved that **SB 345 BE AMENDED** WITH SECTION 4. (See Exhibit 4)

Discussion:

01:20:41 Sen. Gillan
01:21:54 Sen. Essmann
01:22:35 Sen. Tutvedt

01:22:50 **Vote:** Motion carried unanimously by voice vote.

01:23:05 **Motion:** Sen. Tutvedt moved that **SB 345 DO PASS AS AMENDED.**

Discussion:

01:23:16 Chairman Esp

01:23:23 **Motion:** Sen. Gallus moved that **SB 345 BE AMENDED WITH A CONCEPTUAL AMENDMENT** removing Lines 24 and 25 on Page 3.

Discussion:

01:23:55 Chairman Esp

01:24:27 **Vote:** Motion carried unanimously by voice vote.

01:24:40 **Motion/Vote:** Sen. Gallus moved that **SB 345 BE AMENDED WITH A CONCEPTUAL AMENDMENT** removing Lines 15 and 16 on Page 5. Motion carried unanimously by voice vote.

Discussion:

01:25:10 Chairman Esp.

01:25:28 Sen. Tutvedt

01:25:41 **Motion:** Sen. Tutvedt moved that **SB 345 DO PASS AS AMENDED.**

Discussion:

01:25:57 Sen. Gillan

01:26:28 Sen. Erickson

01:26:43 **Vote:** Motion carried 7-2 by voice vote with Sens. Gallus and Gillan voting no.

Committee Business:

01:28:15 Chairman Esp

Additional Exhibits:

EXHIBIT(los36a05)

Relating to SB 392 heard in committee on February 16, 2009.

EXHIBIT(los36a06)

Witness Statement on SB 369

EXHIBIT(los36a07)

Relating to SB 354 heard in committee on February 13, 2009.

ADJOURNMENT

Adjournment: 5:30 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los36aad.pdf](#))