

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on February 20, 2009 at
3:00 P.M., in Room 405 Capitol.

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
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. Bruce Tutvedt (R)

Members Excused: 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 411, 2/10/2009; SB 423,
2/10/2009; SB 482, 2/17/09;
SB 487, 2/18/09

Executive Action: SB 434 ~ DO PASS
SB 482 ~ DO PASS AS AMENDED
SB 411 ~ DO PASS AS AMENDED
SB 423 ~ TABLED
SB 487 ~ TABLED
SB 166 ~ RECONSIDERATION VOTE
SB 433 ~ (To Senate Floor)

HEARING ON SB 487

Opening Statement by Sponsor:

00:00:52 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 487, Generally revise local government laws.

Proponents' Testimony:

00:04:20 George Culpepper, Flathead County
00:04:53 Jeff Larsen, Vice President, Montana Environmental
Consulting Association (MECA)

Opponents' Testimony:

00:05:32 Alec Hansen, Montana League of Cities and Towns
00:10:56 L. Harold Blattie, Montana Association of Counties
(MACo)

Informational Testimony: None

Questions from Committee Members and Responses:

00:11:21 Sen. Barkus
00:11:54 Alec Hansen
00:13:43 Sen. Essmann
00:14:45 Sen. Shockley

Closing by Sponsor:

00:16:19 Sen. Shockley

HEARING ON SB 482

Opening Statement by Sponsor:

00:16:48 Sen. Dan McGee (R), SD 29, opened the hearing on
SB 482, Generally revise subdivision and platting act.

Proponents' Testimony:

00:30:58 Joe Roberts, representing Montana Association of
Registered Land Surveyors
00:31:23 Charles Lapp, Flathead resident
00:32:04 Jeff Larsen, owner, Larsen Engineering and Surveying,
Kalispell
00:34:32 George Culpepper, Kalispell resident

Opponents' Testimony:

00:35:05 Myra L. Shults, Consultant Land Use Attorney, MACo

Informational Testimony: None

Questions from Committee Members and Responses:

00:39:49 Sen. Tutvedt
00:40:07 Jeff Larsen, Larsen Engineering
00:40:48 Sen. Erickson
00:41:36 Sen. McGee
00:42:09 Sen. Essmann
00:43:25 Sen. McGee
00:43:37 Chairman Esp
00:43:57 Myra L. Shults, MACo
00:44:55 Chairman Esp
00:45:39 Myra L. Shults
00:48:22 Chairman Esp
00:48:57 Myra L. Shults
00:50:18 Chairman Esp
00:50:55 Sen. McGee

Closing by Sponsor:

00:51:06 Sen. McGee

[EXHIBIT\(los40a01\)](#)

HEARING ON SB 411

Opening Statement by Sponsor:

00:58:15 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 411, Growth policy to include sand and gravel resource property rights.

Proponents' Testimony:

01:01:15 Jeff Larsen, Larsen Engineering, Kalispell, former Flathead County Planning Board member
01:03:28 George Culpepper, self, Kalispell resident
01:04:28 Charles Lapp, Flathead area resident
01:04:53 Fred Hodgeboom, President, Montanans For Multiple Use, Bigfork
01:06:45 Dave Skinner, Kalispell
01:07:28 Steve Wade, representing Montana Contractors Association (MCA)
01:08:11 Don Allen, rep Western Environmental Trade Association
01:08:43 Allen Wright, Montanans for Multiple Use Association, Townsend

Opponents' Testimony:

01:09:22 Gordon Morris, representing Lewis & Clark County
Commissioners
01:10:33 L. Harold Blattie, Executive Director, MACo
01:12:41 Jean Riley, East Helena resident

Informational Testimony: None

Questions from Committee Members and Responses:

01:13:22 Sen. Essmann
01:14:02 Jeff Larsen, Larsen Engineering
01:15:16 Chairman Esp
01:16:01 Jeff Larsen
01:17:04 Chairman Esp
01:17:27 L. Harold Blattie, MACo
01:17:52 Sen. Gillan
01:19:02 Sen. Tutvedt
01:20:35 Sen. Gillan
01:22:42 Chairman Esp
01:24:03 Sen. Tutvedt

Closing by Sponsor:

01:24:44 Sen. Tutvedt

HEARING ON SB 423

Opening Statement by Sponsor:

01:26:06 Sen. Verdell Jackson (R), SD 5, opened the hearing on
SB 423, Montana river and stream protection.

EXHIBIT(1os40a02)

01:30:34 Sen. Laslovich arrived at hearing.

Proponents' Testimony:

01:48:54 Fred Hodgeboom, Bigfork, President, Montanans for
Multiple Use
01:55:48 Bill Myers, owner, Bayside Park and Marine
Center, Bigfork
02:03:24 Dave Skinner, also speaking for Ronald Buentameier,
Columbia Falls

EXHIBIT(1os40a03)

02:04:09 Jim Sappington, Real Estate, Kalispell
02:06:40 Charles Lapp, Kalispell

Proponents' Testimony: (Con't)

02:08:06 Jeff Larsen, representing Montana Environmental Consulting Association

EXHIBIT(los40a04)

02:09:34 George Culpepper, Kalispell resident

02:09:57 Allen Wright, Montanans for Multiple Use, Townsend

EXHIBIT(los40a05)

Ronald Buentameier through written testimony dated February 19, 2009.

Opponents' Testimony:

02:11:18 Daniel Cox, Ravalli County resident

02:16:50 Dewey Baker, Ravalli County resident

02:20:54 Susanna Pyron, Ravalli County resident

02:21:50 Art Baker, Ravalli County resident

02:24:12 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

02:25:32 Terry Daniel

02:27:14 Mike Murphy, representing Montana Water Resources Association also speaking for John Youngbird, Montana Farm Bureau

02:29:07 Janet Ellis, Montana Audubon

EXHIBIT(los40a06)

02:29:46 Jay Bodner, representing Montana Stockgrowers Association

02:31:09 Mark Aagenes, representing Montana Trout Unlimited

02:32:04 Greg Chilcott, Ravalli County

02:33:15 L. Harold Blattie, Executive Director, MACo

Informational Testimony:

02:35:35 Myra L. Shults, self

Questions from Committee Members and Responses:

02:36:09 Chairman Esp

02:36:28 Sen. Jackson

02:36:53 Sen. Barkus

02:37:09 Sen. Jackson

Closing by Sponsor:

02:37:29 Sen. Jackson

02:42:53 Break

02:48:53 Reconvene

Discussion on SB 433:

02:49:18 Chairman Esp
02:49:29 Richard Oppen, Director, Department of Environmental
Quality (DEQ)
02:52:04 Sen. Tutvedt
02:52:33 Richard Oppen, DEQ
02:53:55 Chairman Esp

EXECUTIVE ACTION ON SB 434

02:55:36 **Motion/Vote:** Sen. Essmann moved that **SB 434 DO PASS**.
Motion carried 5-4 by voice vote with Sens. Erickson,
Gallus, Gillan, and Laslovich voting no and Sen. Gallus
voting by proxy.

EXECUTIVE ACTION ON SB 487

02:57:06 **Motion:** Sen. Tutvedt moved that **SB 487 DO PASS**.

02:57:44 **Substitute Motion/Vote:** Sen. Erickson made a
substitute motion that **SB 487 BE TABLED**. Substitute
motion carried 7-2 by roll call vote with Sens. Barkus
and Jackson voting no and Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 482

02:58:59 Leanne Heisel, Legislative Services Division (LSD)
EXHIBIT(los40a07)
EXHIBIT(los40a08)
02:59:38 Sen. Barkus
02:59:57 Leanne Heisel, LSD
03:00:05 Sen. Tutvedt
03:00:33 Sen. Barkus

03:00:58 **Motion:** Sen. Barkus moved that **SB 482 DO PASS**.

03:01:18 **Motion:** Sen. Tutvedt moved that **SB 482 BE AMENDED**.
(See Exhibit 1)

Discussion:

03:02:04 Sen. Erickson

03:02:10 **Vote:** Motion carried unanimously by voice vote with
Sen. Gallus voting by proxy.

03:02:24 **Motion:** Sen. Barkus moved that **SB 482 DO PASS AS AMENDED.**

Discussion:

03:02:32 Sen. Erickson
03:03:22 Sen. Essmann
03:04:53 Chairman Esp
03:05:15 Sen. Essmann
03:05:56 Chairman Esp

03:07:31 **Motion/Vote:** Sen. Essmann moved a **CONCEPTUAL AMENDMENT BY REMOVING SECTION 1 FROM THE BILL.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

03:08:06 **Motion:** Sen. Tutvedt moved that **SB 482 DO PASS AS AMENDED.**

Discussion:

03:08:15 Sen. Barkus

03:08:35 **Motion/Vote:** Sen. Essmann moved a **CONCEPTUAL AMENDMENT TO DELETE SECTION 3 FROM THE BILL.**

Discussion:

03:09:05 Chairman Esp
03:09:45 Sen. Gillan
03:09:51 Leanne Heisel, LSD
03:10:36 Sen. Erickson
03:11:22 Sen. Gillan
03:11:41 Leanne Heisel, LSD
03:12:05 Chairman Esp

03:12:28 **Vote:** Motion carried 6-3 by roll call vote with Sens. Esp, Gillan, and Tutvedt voting no and Sen. Gallus voting by proxy.

03:13:25 **Motion/Vote:** Sen. Erickson moved that **SB 482 DO PASS AS AMENDED.** Motion carried unanimously by voice vote with Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 411

03:14:09 **Motion:** Sen. Tutvedt moved that **SB 411 DO PASS.**

03:14:23 **Motion:** Sen. Tutvedt moved that **SB 411 BE AMENDED.**
EXHIBIT(los40a09)

Discussion:

03:15:00 Chairman Esp

03:15:43 **Vote:** Motion carried unanimously by voice vote with
Sen. Gallus voting by proxy.

03:16:45 **Motion/Vote:** Sen. Tutvedt moved that **SB 411 DO PASS AS**
AMENDED. Motion carried unanimously by voice vote with
Sen. Gallus voting by proxy.

EXECUTIVE ACTION ON SB 423

03:17:25 **Motion:** Sen. Jackson moved that **SB 423 DO PASS.**

Discussion:

03:18:02 Sen. Jackson

03:18:24 Sen. Erickson

03:19:38 Sen. Gillan

03:20:29 Sen. Jackson

03:23:18 Chairman Esp

03:24:00 Sen. Essmann

03:26:21 **Substitute Motion/Vote:** Sen. Gillan made a substitute
motion that **SB 423 BE TABLED.** Substitute motion carried
5-4 by roll call vote with Sens. Barkus, Jackson,
Laslovich, and Tutvedt voting no and Sen. Gallus voting
by proxy.

EXECUTIVE ACTION TO RECONSIDER SB 166

03:27:31 **Motion:** Sen. Erickson moved to **RECONSIDER PREVIOUS**
ACTION on **SB 166.**

Discussion:

03:28:00 Chairman Esp

03:28:10 Sen. Erickson

EXHIBIT(los40a10)

03:28:46 Chairman Esp

03:29:01 **Vote:** Motion failed 4-5 by roll call vote with Sens.
Erickson, Gallus, Gillan, and Laslovich voting aye and
Sen. Gallus voting by proxy.

ADJOURNMENT

Adjournment: 6:45 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los40aad.pdf](#))