

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on March 18, 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. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: None

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: HB 420; HB 466; HB 495; HB 608
3/2/2009

Executive Action: SB 433 ~ TABLED

HEARING ON HB 608

Opening Statement by Sponsor:

00:00:41 Rep. Jon Sesso (D), HD 76, opened the hearing on HB 608, Liability for cleanup of insured damaged property.

Proponents' Testimony:

00:04:22 Robert McCarthy, former County Attorney & City Attorney, Butte
00:06:54 Bob Gilbert, representing City of Glendive, City of Roundup, Musselshell County and Rosebud County
00:09:40 Sheryl Wood, Montana Association of Counties (MACo)
00:10:34 Jeffrey Miller, Director of Fire Services, Butte Silver Bow County
00:11:34 Alan Hulse, Chief Executive Officer, Montana Municipal Authority (MMIA)
00:12:42 Alec Hansen, League of Cities and Towns
00:14:55 Doug Neil, representing Montana State Firemen's Association (MSFA)

Opponents' Testimony:

00:15:53 Jacqueline Lenmark, representing American Insurance Association (AIA), also speaking for Greg Van Horssen, State Farm Insurance Companies
00:23:03 Bruce Spencer, representing Property Casualty Insurance Association of America (PCIA)
00:27:04 Dwight Easton, representing Farmers Insurance Group of Companies (FIG)

Informational Testimony: None

Questions from Committee Members and Responses:

00:30:37 Sen. Laslovich
00:31:25 Dwight Easton, FIG
00:32:33 Sen. Laslovich
00:33:06 Doug Neil, MSFA
00:34:53 Sen. Laslovich
00:35:24 Rep. Sesso
00:38:29 Sen. Barkus
00:39:39 Robert McCarthy, Butte
00:43:53 Sen. Barkus
00:45:04 Dwight Easton
00:46:01 Sen. Gallus
00:46:42 Dwight Easton

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

00:48:49 Sen. Gallus
00:49:23 Jacqueline Lenmark, AIA
00:53:12 Sen. Essmann
00:54:11 Bruce Spencer, PCIA

Closing by Sponsor:

00:56:00 Rep. Sesso

HEARING ON HB 420

Opening Statement by Sponsor:

01:00:06 Rep. Michele Reinhart (D), HD 97, opened the hearing on
HB 420, Allow local government to adopt energy
conservation building codes.

Proponents' Testimony:

01:03:20 Alec Hansen, League of Cities and Towns
01:04:12 Dustin Stewart, Executive Director, Montana Building
Industry Association (MBIA)

EXHIBIT(1os60a01)

01:05:22 Matt Elsaesser, City Commissioner, Helena
01:05:51 Tyler Evilsizer, Chairman, S.A.V.E. Foundation
01:06:32 David Warner, Helena resident
01:07:34 William Selser, Helena resident
01:08:14 Kyla Wiens, Montana Environmental Information Center
(MEIC)

Opponents' Testimony: None

Informational Testimony:

01:09:00 David Cook, Department of Labor and Industry

Questions from Committee Members and Responses:

01:09:16 Sen. Essmann
01:09:42 Dustin Stewart, MBIA
01:10:36 Sen. Laslovich
01:10:55 Dustin Stewart
01:11:38 Chairman Esp
01:11:56 Dustin Stewart

Closing by Sponsor:

01:14:09 Rep. Reinhart

HEARING ON HB 495

Opening Statement by Sponsor:

01:15:19 Rep. Elsie Arntzen (R), HD 53, opened the hearing on
HB 495, Clarify rights of residents association in
mobile home parks.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:45 Sen. Essmann

01:18:22 Rep. Arntzen

Closing by Sponsor:

01:18:53 Rep. Arntzen

HEARING ON HB 466

Opening Statement by Sponsor:

01:20:08 Rep. Paul Beck (D), HD 59, opened the hearing on
HB 466, Providing paid military leave for all public
employees.

EXHIBIT(los60a02)

Proponents' Testimony:

01:22:25 Dan Antonietti, State Legislative Liaison, Veterans of
Foreign Wars

01:23:01 Marco Ferro, MEA/MFT

01:24:13 Alec Hansen, League of Cities and Towns

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:24:45 Sen. Jackson
01:25:32 Rep. Beck
01:27:32 Chairman Esp
01:28:00 Alec Hansen, League of Cities and Towns

Closing by Sponsor:

01:29:18 Rep. Beck

01:30:03 Recess

01:40:15 Reconvene (Absent from Committee: Sen. Barkus; Sen. Gallus; Sen. Erickson)

EXECUTIVE ACTION ON SB 433

Discussion:

01:40:47 Chairman Esp
[EXHIBIT\(los60a03\)](#)
01:41:57 Steve Wade, representing Montana Contractors Association (MCA)
01:47:13 Leanne Heisel, Legislative Services Division (LSD)
01:47:42 Chairman Esp
01:47:50 Richard Oppen, Director, Department of Environmental Quality (DEQ)
01:49:25 Chairman Esp
[EXHIBIT\(los60a04\)](#)
01:49:41 Steve Wade, MCA

01:50:57 **Motion:** Sen. Tutvedt moved that **SB 433 DO PASS.**

01:51:04 **Motion:** Sen. Tutvedt moved that **SB 433 BE AMENDED.**
(See Exhibit 3)

Discussion:

01:51:18 Sen. Gillan
01:54:39 Chairman Esp
01:55:14 Sen. Tutvedt

01:55:33 Sen. Gallus returned to committee meeting.

01:56:07 Sen. Laslovich
01:56:26 Chairman Esp

01:57:09 Sen. Erickson returned to committee meeting.

01:57:49 Tim Davis, Montana Smart Growth Coalition

01:58:24 Chairman Esp

01:59:13 Sen. Laslovich

01:59:26 John Alke, representing Knife River

02:00:10 Sen. Laslovich

02:01:22 Chairman Esp

02:02:00 Sen. Tutvedt

02:03:48 Sen. Erickson

02:05:14 Sen. Gillan

02:05:44 Jacqueline Fikkema, representing Knife River

02:05:59 Sen. Erickson

02:06:25 Richard Oppen, DEQ

02:07:00 **Vote:** Motion carried 8-1 by roll call vote with Sen. Gillan voting no and Sen. Barkus voting by proxy.

02:08:22 Leanne Heisel, LSD

EXHIBIT(los60a05)

02:09:18 Chairman Esp

02:09:39 Sen. Tutvedt

02:10:09 Steve Wade, MCA

02:10:56 Leanne Heisel, LSD

02:11:43 **Motion:** Sen. Erickson moved that **SB 433 BE AMENDED.**
(See Exhibit 5)

Discussion:

02:11:59 Sen. Tutvedt

02:12:37 Chairman Esp

02:12:55 **Vote:** Motion carried 7-2 by voice vote with Sens. Jackson and Tutvedt voting no and Sen. Barkus voting by proxy.

02:13:21 **Motion:** Sen. Gallus moved that **SB 433 DO PASS AS AMENDED.**

Discussion:

02:13:29 Sen. Gillan

02:15:12 Chairman Esp

02:17:22 Sen. Tutvedt

02:17:57 **Vote:** Motion failed 4-5 by roll call vote with Sens. Esp, Essmann, Jackson, and Tutvedt voting aye and Sen. Barkus voting by proxy. Without objection from the Committee, Chairman Esp requested that the bill be tabled and the vote reversed.

Committee Business:

02:18:49 Sen. Gillan

ADJOURNMENT

Adjournment: 5:00 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los60aad.pdf](#))