

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Liz Bangerter, on February 21, 2013 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Liz Bangerter, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Kathy Swanson, Vice Chair (D)
Rep. Amanda Curtis (D)
Rep. Roger A. Hagan (R)
Rep. Pat Ingraham (R)
Rep. Steve Lavin (R)
Rep. David (Doc) Moore (R)
Rep. Jerry O'Neil (R)
Rep. Casey Schreiner (D)
Rep. Nicholas Schwaderer (R)
Rep. Tom Steenberg (D)
Rep. Nancy Wilson (D)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Tom Berry (R)
Rep. Clarena Brockie (D)
Rep. Mary McNally (D)
Rep. Jonathan McNiven (R)

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Sally Speer, 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 485, 2/15/2013; HB 486, 2/15/2013; HB 499, 2/15/2013
HB 531, 2/18/2013;
Executive Action: HB 426; HB 437; HB 451; HB 465; HB 476; HB 497; HB 485;
HB 486; HB 499; HB 531;

00:13:58 Chair Bangerter
00:14:00 Rep. McNally, Rep. Brockie and Rep. Berry entered the meeting.

EXECUTIVE ACTION ON HB 426

00:14:21 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 426 DO PASS**. Motion failed unanimously by voice vote. Rep. McNiven voted by proxy.

00:14:51 Chair Bangerter

00:15:27 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 426 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 437

00:15:39 **Motion:** Rep. Fitzpatrick moved that **HB 437 DO PASS**.

00:15:56 Rep. Fitzpatrick **WITHDREW** the previous motion. Without objection.

EXECUTIVE ACTION ON HB 451

00:16:05 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 451 DO PASS**. Motion carried unanimously by voice vote. Rep. McNiven voted by proxy.

00:16:12 Rep. McNiven entered the meeting.

EXECUTIVE ACTION ON HB 437

00:16:48 **Motion:** Rep. Fitzpatrick moved that **HB 437 DO PASS**.

Discussion:

00:16:50 **Motion:** Rep. McNiven moved that **HB 437 BE AMENDED**.
[EXHIBIT\(lch39a01\)](#)

00:17:31 **Vote:** Motion carried unanimously by voice vote.

00:17:42 **Motion:** Rep. McNiven moved that **HB 437 DO PASS AS AMENDED**.

00:17:50 Chair Bangerter

00:18:31 **Motion:** Rep. D. Moore moved that **HB 437 BE AMENDED**.
[EXHIBIT\(lch39a02\)](#)

Discussion:

00:18:48 Rep. Moore
00:18:53 Rep. McNiven
00:19:18 Chair Bangerter

00:19:29 **Vote:** Motion carried unanimously by voice vote.

00:19:39 **Vote:** Motion carried 16-2 by voice vote with Rep. O'Neil and Rep. Schwaderer voting no.

00:19:45 Chair Bangerter

EXECUTIVE ACTION ON HB 461

00:20:14 **Motion:** Rep. Fitzpatrick moved that **HB 461 DO PASS.**

00:20:22 **Motion:** Rep. Bangerter moved that **HB 461 BE AMENDED.**
EXHIBIT(loh39a03)

00:21:12 **Vote:** Motion carried unanimously by voice vote.

00:21:48 Chair Bangerter

00:21:50 **Motion:** Rep. Fitzpatrick moved that **HB 461 DO PASS AS AMENDED.**

Discussion:

00:21:56 Rep. O'Neil

00:22:28 Chair Bangerter

00:22:35 Rep. Steenberg

00:23:32 Chair Bangerter

00:23:35 Rep. Hagan

00:23:59 Chair Bangerter

00:24:06 **Vote:** Motion carried 14-4 by voice vote with Rep. Lavin, Rep. O'Neil, Rep. Schwaderer and Rep. Zolnikov voting no.

EXECUTIVE ACTION ON HB 465

00:24:47 **Motion:** Rep. Fitzpatrick moved that **HB 465 DO PASS.**

00:25:13 Chair Bangerter

00:25:16 Rep. Brockie left the meeting.

00:25:23 **Motion:** Rep. Schwaderer moved that **HB 465 BE AMENDED.**
EXHIBIT(loh39a04)

00:25:33 Chair Bangerter

00:26:23 Ginger Aldrich, Legislative Services Division (LSD)

00:27:08 Chair Bangerter

00:27:12 **Vote:** Motion carried unanimously by voice vote.

00:27:22 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 465 DO PASS AS AMENDED.**
Motion carried 15-3 by voice vote with Rep. Moore, Rep. O'Neil and Rep. Zolnikov voting no. Rep. Brockie voted by proxy.

EXECUTIVE ACTION ON HB 476

- 00:28:02 **Motion:** Rep. Fitzpatrick moved that **HB 476 DO PASS.**
- 00:28:35 Chair Bangerter
- 00:28:52 **Motion:** Rep. Curtis moved that **HB 476 BE AMENDED.**
EXHIBIT(loh39a05)
- 00:30:25 Chair Bangerter
00:30:29 Rep. O'Neil
- 00:30:56 **Vote:** Motion carried unanimously by voice vote. Rep. Brockie voted by proxy.
- 00:31:12 **Motion:** Rep. Curtis moved that **HB 476 DO PASS AS AMENDED.**
- 00:31:19 Chair Bangerter
00:31:25 Rep. Curtis
00:31:46 Ms. Aldrich, LSD
00:32:22 Rep. Curtis
00:32:12 Rep. Berry
00:32:28 Rep. Hagan
00:33:34 Rep. Curtis
00:33:43 Chair Bangerter
00:33:56 Rep. Lavin
00:34:31 Rep. Fitzpatrick
00:35:05 Chair Bangerter
- 00:35:09 **Vote:** Motion failed 8-10 by roll call vote with Rep. Brockie, Rep. Curtis, Rep. McNally, Rep. O'Neil, Rep. Schreiner, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting aye. Rep. Brockie voted by proxy.
- 00:36:49 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 476 BE TABLED.** Motion carried unanimously by voice vote. Rep. Brockie voted by proxy.

EXECUTIVE ACTION ON HB 497

- 00:37:00 **Motion:** Rep. Fitzpatrick moved that **HB 497 DO PASS.**
- 00:37:20 Chair Bangerter
00:37:30 Rep. Wilson
00:38:00 Rep. McNally
00:39:02 Chair Bangerter
00:39:06 Rep. Swanson
EXHIBIT(loh39a06)
00:40:20 Rep. Schreiner
00:40:24 Rep. Lavin
00:40:57 Rep. Wilson
00:41:46 Chair Bangerter

00:42:31 **Vote:** Motion carried 13-5 by roll call vote with Rep. Brockie, Rep. Schreiner, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting no. Rep. Brockie voted by proxy.

EXECUTIVE ACTION ON HB 541

00:44:06 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 541 BE TABLED**. Motion carried unanimously by voice vote. Rep. Brockie voted by proxy.

00:44:50 Chair Bangerter

HEARING ON HB 485

Opening Statement by Sponsor:

00:45:17 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 485, Revise landlord tenant laws to expand Justice Court jurisdiction.

Proponents' Testimony:

00:46:00 Chair Bangerter
00:46:15 John Sinrud, Montana Landlord Association (MLA)
00:47:02 Wiliam Semenza, Self

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:47:45 Rep. Lavin

HEARING ON HB 486

Opening Statement by Sponsor:

00:47:58 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 486, Revise municipal election laws to include property owners.

EXHIBIT(lah39a07)

00:49:29 Chair Bangerter

Proponents' Testimony:

00:49:36 Bob DePratu, Self
00:54:01 Chair Bangerter
00:54:14 John Sinrud, Self
00:55:57 Chair Bangerter
00:56:14 Rich DeJana, Self
00:57:08 Rep. Lavin
00:57:18 Tom Rygg, self
01:01:40 Chair Bangerter

Opponents' Testimony:

01:01:49 Alec Hansen, Montana League of Cities and Towns (MLCT)
01:06:33 Chair Bangerter
01:06:38 Kate Cholewa, City of Missoula
01:07:00 Chair Bangerter

Informational Testimony: None**Questions from Committee Members and Responses:**

01:07:11 Chair Bangerter
01:07:15 Rep. McNally
01:07:20 Rep Lavin
01:07:22 Rep. McNally
01:07:35 Rep. Lavin
01:07:50 Mr. Rygg, Self
01:08:35 Rep. Fitzpatrick left the meeting.
01:08:55 Rep. McNally
01:09:05 Mr. Rygg, Self
01:09:25 Rep. McNiven left the meeting.
01:10:09 Rep. McNally
01:10:46 Mr. Rygg, Self
01:10:51 Rep. McNally
01:10:57 Mr. Rygg, Self
01:11:45 Rep. Schwaderer
01:11:57 Chair Bangerter
01:12:03 Rep. Schwaderer
01:12:25 Mr. Rygg, Self
01:12:53 Rep. Schwaderer
01:13:13 Mr. Rygg, Self
01:13:22 Rep. Schwaderer
01:13:54 Rep. Schreiner
01:14:18 Mr. Rygg, Self
01:14:21 Rep. Schreiner
01:14:31 Mr. Rygg, Self
01:14:35 Rep. Schreiner
01:14:56 Mr. Rygg, Self
01:15:26 Chair Bangerter
01:15:32 Rep. Wilson
01:16:08 Mr. Rygg, Self
01:16:11 Rep. Wilson
01:16:36 Mr. Rygg, Self
01:16:39 Rep. Wilson
01:16:44 Mr. Rygg, Self
01:18:19 Rep. Ingraham
01:19:57 Mr. Rygg, Self
01:21:59 Rep. O'Neil
01:22:40 Mr. Rygg, Self
01:23:29 Rep. Wilson left meeting.
01:23:37 Chair Bangerter

Closing by Sponsor:

01:23:45 Rep. Lavin

01:24:19 Rep. Brockie returned to the meeting.

HEARING ON HB 499

Opening Statement by Sponsor:

01:26:24 Rep. Ellie Boldman Hill (D), HD 94, opened the hearing on HB 499, Amending conveyance exemptions for subdivision regulations.

01:30:19 Chair Bangerter

01:30:25 Rep. Zolnikov

01:30:37 Rep. Hill

01:31:56 Chair Bangerter

01:32:01 Rep. Hill

01:32:46 Chair Bangerter

01:33:06 Rep. Hill

01:33:09 Chair Bangerter

Proponents' Testimony:

01:33:52 Rep. Edmunds

01:35:01 Chair Bangerter

01:35:08 Kate Cholewa, City of Missoula

01:35:59 Susan Miller, Self

EXHIBIT(loh39a08)

01:40:10 Chair Bangerter

01:40:15 Amy Fisher, Montana Association of Realtors (MAR)

01:41:30 Chris Smith, Self

01:43:21 Chair Bangerter

Opponents' Testimony:

01:43:33 Terra Depuy, Montana Association of Counties (MACo)

01:47:00 Anne Hedges, Montana Environmental Information Center (MEIC)

01:51:03 Gordon Morris, Lewis and Clark County Commissioners

Informational Testimony:

01:51:42 Barb Kingery, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:52:15 Rep. Moore

01:53:14 Chair Bangerter

HEARING ON HB 531**Opening Statement by Sponsor:**

01:53:21 Rep. Ed Lieser (D), HD 4, opened the hearing on HB 531, Revise exemptions for certain divisions of land.
01:56:15 Chair Bangerter

Proponents' Testimony:

01:56:21 Robert Horne, Self
EXHIBIT(lah39a09)
02:01:37 Chair Bangerter
02:01:42 Jim Smith, Montana Association of Planners (MAP)
02:03:40 Kate Cholewa, City of Missoula
02:03:57 Anne Hedges, MEIC

Opponents' Testimony:

02:04:31 Dustin Stewart, Montana Building Industry Association (MBIA)
02:06:55 Amy Fisher, MAR
02:07:27 Terra DePuy, MACo
02:10:23 Gordon Morris, Lewis & Clark County Commissioners

Informational Testimony:

02:11:07 Barb Kingery, DEQ

Questions from Committee Members and Responses:

02:12:25 Rep. McNally
02:12:36 Mr. Horne, Self
02:15:04 Rep. McNally
02:15:26 Mr. Horne, Self
02:16:40 Chair Bangerter

Closing by Sponsor:

02:16:46 Rep. Leiser

02:17:46 Recessed.
02:39:00 Reconvened and Rep. McNiven did not return.

EXECUTIVE ACTION ON HB 485

02:39:08 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 485 DO PASS**. Motion carried unanimously by voice vote. Rep. Brockie and Rep. McNiven voted by proxy.
02:39:14 Chair Bangerter

EXECUTIVE ACTION ON HB 486

02:39:46 **Motion:** Rep. Fitzpatrick moved that **HB 486 DO PASS**.
02:40:28 Chair Bangerter

02:40:34 **Motion:** Rep. Lavin moved that **HB 486 BE AMENDED.**
EXHIBIT(loh39a10)

02:41:10 Chair Bangerter

02:41:42 Rep. Lavin

02:42:00 Chair Bangerter

02:42:04 Rep. Lavin

02:42:05 Chair Bangerter

02:42:11 **Vote:** Motion carried unanimously by voice vote. Rep. Brockie and Rep. McNiven voted by proxy.

02:42:38 **Motion:** Rep. Fitzpatrick moved that **HB 486 DO PASS AS AMENDED.**

02:42:44 Rep. Lavin

02:43:16 Chair Bangerter

02:43:20 **Vote:** Motion failed 8-10 by roll call vote with Rep. Fitzpatrick, Rep. Hagan, Rep. Lavin, Rep. McNiven, Rep. Moore, Rep. O'Neil, Rep. Schwaderer and Rep. Zolnikov voting aye. Rep. Brockie and Rep. McNiven voted by proxy.

02:45:09 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 486 BE TABLED.** Motion carried 15-3 by voice vote with Rep. Lavin, Rep. O'Neil and Rep. Schwaderer voting no. Rep. Brockie and Rep. McNiven voted by proxy.

02:45:12 Chair Bangerter

EXECUTIVE ACTION ON HB 499

02:45:40 **Motion:** Rep. Fitzpatrick moved that **HB 499 DO PASS.**

02:45:45 Chair Bangerter

02:45:50 **Motion:** Rep. D. Moore moved that **HB 499 BE AMENDED.**
EXHIBIT(loh39a11)

02:46:08 Chair Bangerter

02:46:12 **Vote:** Motion carried unanimously by voice vote. Rep. Brockie and Rep. McNiven voted by proxy.

02:46:37 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 499 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Brockie and Rep. McNiven voted by proxy.

02:46:45 Chair Bangerter

EXECUTIVE ACTION ON HB 531

02:47:10 **Motion:** Rep. Fitzpatrick moved that **HB 531 DO PASS.**

Discussion:

02:47:10 Chair Bangerter

02:47:21 Rep. Moore

02:47:31 Rep. Schreiner

02:47:43 Rep. Fitzpatrick

02:48:00 Chair Bangerter

02:49:22 **Vote:** Motion carried 12-6 by roll call vote with Rep. Bangerter, Rep. Fitzpatrick, Rep. Ingraham, Rep. Lavin, Rep. McNiven and Rep. O'Neil voting no. Rep. Brockie and Rep. McNiven voted by proxy.

02:49:39 Chair Bangerter

ADJOURNMENT

Adjournment: 02:49:55

Sally Speer, Secretary

ss

Additional Documents:

EXHIBIT([loh39aad.pdf](#))