

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** Chair Edward Greef, on February 17, 2015 at 3:00 PM, in Room 172  
Capitol

#### ROLL CALL

**Members Present:**

Rep. Edward Greef, Chair (R)  
Rep. Kathy Swanson, Vice Chair (D)  
Rep. Moffie Funk (D)  
Rep. Denise Hayman (D)  
Rep. Kathy Kelker (D)  
Rep. Debra Lamm (R)  
Rep. Steve Lavin (R)  
Rep. Forrest Mandeville (R)  
Rep. Nate McConnell (D)  
Rep. Christopher Pope (D)  
Rep. Vince Ricci (R)  
Rep. Tom Richmond (R)  
Rep. Tom Steenberg (D)  
Rep. Nancy Wilson (D)

**Members Excused:** Rep. Steve Fitzpatrick, Vice Chair (R)  
Rep. Tom Berry (R)  
Rep. Geraldine Custer (R)  
Rep. Frank Garner (R)  
Rep. Nicholas Schwaderer (R)  
Rep. Daniel Zolnikov (R)

**Members Absent:** None

**Staff Present:** Ginger Aldrich, Legislative Branch  
Noah Horan, 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 441, 2/17/2015; HB 461, 2/17/2015; HB 523, 2/17/2015  
Executive Action HB 334, HB 364, HB 366, HB 385, HB 461

**HEARING ON HB 441**

**Opening Statement by Sponsor:**

00:02:11 Rep. Jeff Essmann (R), HD 54, opened the hearing on HB 441, Provide process for county abandonment/consolidation.

**[EXHIBIT\(loh36a01\)](#)**

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:12:34 Rep. Kelker  
00:13:19 Rep. Essmann  
00:14:15 Rep. Hayman  
00:14:40 Rep. Essmann  
00:15:09 Rep. Hayman  
00:15:16 Rep. Essmann  
00:17:52 Rep. McConnell  
00:18:02 Rep. Ricci  
00:18:23 Rep. Essmann  
00:18:47 Rep. Ricci  
00:19:08 Rep. Kelker  
00:19:26 Rep. Essmann  
00:19:58 Rep. McConnell  
00:20:31 Rep. Essmann  
00:21:27 Rep. Hayman  
00:21:45 Rep. Essmann  
00:22:28 Chair Greef  
00:23:50 Rep. Pope  
00:24:25 Rep. Essmann  
00:24:46 Rep. Pope  
00:24:50 Rep. Essmann  
00:25:16 Rep. Custer  
00:25:46 Rep. Essmann

**Closing by Sponsor:**

00:27:05 Rep. Essmann

**HEARING ON HB 523**

**Opening Statement by Sponsor:**

00:29:30 Rep. Seth Berglee (R), HD 58, opened the hearing on HB 523, Revise rural improvement district laws.

**[EXHIBIT\(loh36a02\)](#)**

**Proponents' Testimony:**

00:32:15 Shantil Siaperas, Montana Association of Counties (MACo)

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

00:33:03 Rep. Mandeville  
00:33:44 Rep. Berglee  
00:33:52 Rep. Mandeville  
00:34:15 Rep. Berglee  
00:34:36 Chair Greef  
00:34:51 Rep. Berglee  
00:35:32 Chair Greef  
00:35:43 Ginger Aldrich, Legislative Services Division (LSD)  
00:36:20 Rep. Berglee  
00:36:49 Chair Greef  
00:36:57 Rep. Custer  
00:37:25 Rep. Pope  
00:38:02 Rep. Berglee  
00:38:37 Rep. Pope  
00:38:54 Rep. Berglee  
00:38:58 Rep. Pope  
00:39:28 Rep. Berglee  
00:40:21 Rep. Kelker  
00:40:58 Rep. Berglee  
00:42:11 Rep. Kelker  
00:42:39 Rep. Berglee  
00:42:55 Rep. Garner

**Closing by Sponsor:**

00:43:13 Rep. Berglee

**HEARING ON HB 461****Opening Statement by Sponsor:**

00:44:00 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 461, Revise salary for certain justice positions.

[EXHIBIT\(loh36a03\)](#)

**Proponents' Testimony:**

00:48:25 Jim Smith, Montana County Attorneys Associations (MCAA)

[EXHIBIT\(loh36a04\)](#)

00:55:45 Leo Gallagher, Lewis and Clark County Attorney  
01:00:01 Jennifer Clark, Missoula County Deputy County Attorney  
01:04:50 Suzy Boylan, Missoula County Deputy County Attorney  
01:09:31 Christopher Morris, Yellowstone County Deputy Chief Public Defender

01:11:35 Joshua Racki, Cascade County Deputy County Attorney  
01:12:48 Joseph Cik, Lincoln County Deputy County Attorney  
01:16:34 Shantil Siaperas, Montana Association of Counties (MACo)  
01:17:21 Judge David Carter, Justice of the Peace  
01:19:15 Jon Bennion, Department of Justice  
01:19:49 Mary Phippen, Montana Magistrates Association

[EXHIBIT\(loh36a05\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:21:48 Rep. Garner  
01:22:25 Rep. Lavin  
01:22:42 Rep. Garner  
01:23:12 Jim Smith, MCAA  
01:23:42 Rep. Garner  
01:23:54 Jim Smith, MCAA  
01:25:42 Rep. Steenberg  
01:26:12 Suzy Boylan  
01:26:28 Rep. Richmond  
01:28:01 Rep. Lavin  
01:28:11 Chair Greef  
01:28:32 Rep. Custer  
01:28:57 Judge David Carter

**Closing by Sponsor:**

01:30:36 Rep. Lavin

[EXHIBIT\(loh36a06\)](#)

01:33:44 Chair Greef  
01:35:28 Rep. Swanson  
01:35:35 Chair Greef

01:35:48 Recess  
01:53:00 Reconvened

01:54:30 Chair Greef

[EXHIBIT\(loh36a07\)](#)

**EXECUTIVE ACTION ON HB 334**

01:55:33 **Motion:** Rep. Fitzpatrick moved that **HB 334 DO PASS.**

**Discussion:**

01:55:57 Chair Greef

01:56:13 **Motion:** Rep. Fitzpatrick moved that **HB 334 BE AMENDED**.

**EXHIBIT(loh36a08)**

01:57:04 Ginger Aldrich, LSD

01:57:39 **Vote:** Motion carried 19-1 by voice vote with Rep. Garner voting no. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

01:58:16 Rep. Funk

01:59:09 Chair Greef

01:59:15 **Motion:** Rep. Fitzpatrick moved that **HB 334 DO PASS AS AMENDED**.

**Discussion:**

01:59:31 Rep. Swanson

01:59:47 Chair Greef

01:59:56 **Vote:** Motion carried 15-5 by roll call vote with Rep. Garner, Rep. Lamm, Rep. Lavin, Rep. Schwaderer and Rep. Zolnikov voting no. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

**EXECUTIVE ACTION ON HB 364**

02:01:33 **Motion:** Rep. Fitzpatrick moved that **HB 364 DO PASS**.

**Discussion:**

02:01:52 Chair Greef

02:01:58 Rep. Wilson

02:03:38 Rep. Fitzpatrick

02:04:07 Rep. Lavin

02:04:34 **Vote:** Motion failed 8-12 by roll call vote with Rep. Funk, Rep. Hayman, Rep. Kelker, Rep. McConnell, Rep. Pope, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting aye. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

02:05:42 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 364 BE TABLED**. Motion carried unanimously by voice vote. Rep. Berry, Rep. Lamm and Rep. Schwaderer were excused.

**EXECUTIVE ACTION ON HB 366**

02:06:08 **Motion:** Rep. Fitzpatrick moved that **HB 366 DO PASS**.

**Discussion:**

02:06:23 Chair Greef

02:06:28 Rep. Garner

02:07:00 Chair Greef

02:07:05 Rep. Garner

02:07:10 Rep. Hayman

02:07:40 **Vote:** Motion carried unanimously by voice vote. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

### **EXECUTIVE ACTION ON HB 385**

02:08:28 **Motion:** Rep. Fitzpatrick moved that **HB 385 DO PASS.**

#### **Discussion:**

02:09:03 Rep. Mandeville

02:09:43 Rep. Pope

02:11:45 Rep. Funk

02:12:21 Rep. Garner

02:13:17 Rep. Custer

02:14:47 **Vote:** Motion failed 9-11 by roll call vote with Rep. Funk, Rep. Greef, Rep. Hayman, Rep. Kelker, Rep. McConnell, Rep. Pope, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting aye. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

02:15:55 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 385 BE TABLED.** Motion carried unanimously by voice vote. Rep. Berry, Rep. Lamm and Rep. Schwaderer were excused.

02:16:31 Chair Greef

### **EXECUTIVE ACTION ON HB 461**

02:16:42 **Motion:** Rep. Fitzpatrick moved that **HB 461 DO PASS.**

#### **Discussion:**

02:17:00 Chair Greef

02:17:11 **Motion:** Rep. Lavin moved that **HB 461 BE AMENDED.**

#### **EXHIBIT(lah36a09)**

02:18:58 Chair Greef

02:19:40 Rep. Lavin

02:20:05 Chair Greef

02:20:18 Rep. Lavin

02:21:08 Chair Greef

02:21:35 Rep. Lavin

02:22:13 Rep. Garner

02:22:50 Jim Smith, Montana County Attorneys Association (MCAA)

02:23:09 Rep. Garner

02:23:47 Rep. Mandeville

02:25:07 Chair Greef

02:25:11 Rep. Zolnikov

02:25:38 Rep. Garner

02:26:26 Rep. Ricci

02:26:44 Rep. Lavin

02:27:25 Rep. Pope

02:28:03 Rep. Garner

02:28:36 **Vote:** Motion carried 18-2 by roll call vote with Rep. Lamm and Rep. Schwaderer voting no. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

02:30:28 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 461 DO PASS AS AMENDED**. Motion carried 18-2 by roll call vote with Rep. Lamm and Rep. Schwaderer voting no. Rep. Berry, Rep. Lamm and Rep. Schwaderer voted by proxy.

02:32:02 Chair Greef

**ADJOURNMENT**

Adjournment: 02:32:35

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Noah Horan, Secretary

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Additional Documents:

**EXHIBIT([loh36aad.pdf](#))**