

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on March 29, 2005 at 3:40 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Mark E. Noennig, Chairman (R)
Rep. Hal Jacobson, Vice Chairman (D)
Rep. Wayne Stahl, Vice Chairman (R)
Rep. Elsie Arntzen (R)
Rep. Debby Barrett (R)
Rep. Mary Caferro (D)
Rep. Margaret H. Campbell (D)
Rep. Sue Dickenson (D)
Rep. Emelie Eaton (D)
Rep. Christopher Harris (D)
Rep. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. Mike Jopek (D)
Rep. Gary MacLaren (R)
Rep. Rick Maedje (R)
Rep. Dave McAlpin (D)
Rep. Tom McGillvray (R)
Rep. Bernie Olson (R)

Members Excused: None.

Members Absent: None.

Staff Present: Susan Fox, Legislative Branch
Lindsey Grovom, 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: SJ 11, 3/24/2005; SB 116,
3/24/2005; SB 290, 3/24/2005; SB
456, 3/24/2005

Executive Action: SB 195

HEARING ON SJ 11

Opening Statement by Sponsor:

00:00:00 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on **SJ 11**, Study subdivision review process.

Proponents' Testimony:

00:07:16 Tim Davis, Montana Smart Growth Coalition
00:08:27 Harold Blattie, Montana Association of Counties
00:08:55 Jim Kembel, Montana Association of Regional Land
Surveyors
00:09:15 Glenn Oppel, Montana Association of Realtors
00:09:46 Anne Hedges, Montana Environmental Information
Center
00:10:39 Byron Roberts, Montana Building Industry
00:11:18 Russ Crowder, American Dream Montana
00:12:03 Myra Shults, attorney, Montana Association of
Counties

Opponents' Testimony:

00:12:47 Rick Breckenridge, self

Informational Testimony: None.

Questions from Committee Members and Responses:

00:14:19

Closing by Sponsor:

00:24:46

HEARING ON SB 116

Opening Statement by Sponsor:

00:26:33 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on
SB 116, Revise subdivision laws.

Proponents' Testimony:

00:37:36 **SEN. JEFF MANGAN, SD 12, GREAT FALLS**

00:38:22 Mike Kakuk, Montana Association of Realtors
[EXHIBIT\(loh66a01\)](#)
[EXHIBIT\(loh66a02\)](#)
00:41:53 Tim Davis, Montana Smart Growth Coalition
00:43:18 Myra Shultz, attorney, Montana Association of
Counties
00:46:27 Russ Crowder, American Dream Montana
00:49:02 Anne Hedges, Montana Environmental Information
Center
00:50:45 Linda Stoll, Montana Association of Planners
00:51:12 Harold Blattie, Montana Association of Counties
00:52:41 Jeff Larson, self
00:55:03 Byron Roberts, Montana Building Industry

Opponents' Testimony:

00:55:26 Rick Breckenridge, self

Informational Testimony:

01:01:15 Jim Kembal, Montana Association of Registered Land
Surveyors

[EXHIBIT\(loh66a03\)](#)

[EXHIBIT\(loh66a04\)](#)

Questions from Committee Members and Responses:

01:02:27

Closing by Sponsor:

01:38:37

HEARING ON SB 290

Opening Statement by Sponsor:

01:51:12 **SEN. JEFF MANGAN (D), SD 12**, opened the hearing on
SB 290, Revise sanitation review for subdivisions.

Proponents' Testimony:

01:58:05 Myra Schults, attorney, Montana Association of
Counties
[EXHIBIT\(loh66a05\)](#)
02:00:28 Michael Kakuk, Montana Association of Realtors
[EXHIBIT\(loh66a06\)](#)
02:03:16 Tim Davis, Montana Smart Growth Coalition
02:05:35 Jeff Larson, self
02:08:09 Russ Crowder, American Dream Montana
02:10:41 **SEN. RICK LAIBLE, SD 44, VICTOR**
02:11:45 Harold Blattie, Montana Association of Counties
02:14:22 Linda Stoll, Montana Local Health Officers Group
and Montana Association of Planners.

EXHIBIT(loh66a07)

02:15:00 Anne Hedges, Montana Environmental Information
Center

Opponents' Testimony:

02:16:31 Jim Kembal, Montana Association of Registered Land
Surveyors

EXHIBIT(loh66a08)

02:17:44 Rick Breckenridge, self

Informational Testimony:

02:21:37 Ray Lazuk, Department of Environmental Quality

Questions from Committee Members and Responses:

02:22:12

Closing by Sponsor:

02:42:19 SEN. LAIBLE closed for SEN. MANGAN

HEARING ON SB 456

Opening Statement by Sponsor:

02:44:53 SEN. RICK LAIBLE (R), SD 44, opened the hearing on
SB 456, Prohibit subdivision regulations from
including building regulations.

EXHIBIT(loh66a09)

Proponents' Testimony:

02:54:16 Curt Chisholm, Montana Building Industry
Association

02:58:52 Byron Roberts, Montana Building Industry
Association

EXHIBIT(loh66a10)

03:01:40 Michael Kakuk, Montana Association of Realtors

03:01:58 Steve Bullock, Helena Building Industry
Association

03:05:09 Jim Kembal, American Institute of Architects

Opponents' Testimony:

03:07:02 Bruce Suenram, Fire Logistics

EXHIBIT(loh66a11)

EXHIBIT(loh66a12)

03:09:05 Dave Mason, Montana Fire Chiefs Association

03:11:33 Brian Connolley, Belgrade assistant fire marshal

03:12:34 Cindy Crittendon, Missoula County Fire agencies

03:13:00 Greig Izler, Big Sky Fire Department

03:14:04 John Semple, Montana Fire Alliance
03:14:24 _____ Harold Blattie, Montana Association of Counties
03:17:48 _____ Bob Drake, Lakeside Fire Chief

Informational Testimony:

03:19:26 Mary Sexton, Director, Department of Natural Resources

[EXHIBIT\(loh66a13\)](#)

[EXHIBIT\(loh66a14\)](#)

03:20:33 Jim Brown, Department of Labor and Industry

Questions from Committee Members and Responses:

03:22:15

Closing by Sponsor:

03:41:17

[EXHIBIT\(loh66a15\)](#)

EXECUTIVE ACTION ON SB 195

Motion: REP. OLSON moved that SB 195 BE CONCURRED IN.

[EXHIBIT\(loh66a16\)](#)

Motion: REP. MACLAREN moved that SB 195 BE AMENDED.

[EXHIBIT\(loh66a17\)](#)

[EXHIBIT\(loh66a18\)](#)

Discussion:

04:05:54

Vote: Motion carried unanimously by voice vote with REPS. CAFERRO, CAMPBELL AND HARRIS voting by proxy.

Motion: REP. MACLAREN moved that SB 195 BE CONCURRED IN AS AMENDED.

Discussion:

04:12:17

Substitute Motion/Vote: REP. MCGILLVRAY made a substitute motion that SB 195 BE TABLED. Substitute motion failed 7-11 by roll call vote with REP. STAHL, REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. MCGILLVRAY, and REP. OLSON voting aye and REPS. CAFERRO, CAMPBELL AND HARRIS voting by proxy.

Vote: Motion that SB 195 be concurred in as amended carried 11-7 by roll call vote with REP. ARNTZEN, REP. BARRETT, REP. HENDRICK, REP. MAEDJE, REP. MCGILLVRAY, REP. OLSON, and REP. STAHL voting no. CAFERRO, CAMPBELL AND HARRIS voting by proxy. REP. MACLAREN to carry.

ADJOURNMENT

Adjournment: 8:09 P.M.

REP. MARK E. NOENNIG, Chairman

LINDSEY GROVOM, Secretary

MN/lg

Additional Exhibits:

EXHIBIT ([loh66aad0.PDF](#))