

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN MARK E. NOENNIG**, on February 8, 2005
at 3:20 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
Kyanne Kelly, 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 431, 2/3/2005; HB 436, 2/3/2005;
HB 444, 2/3/2005

Executive Action: Committee Bill, HB 233, HB 247, HB
330, HB 321

HEARING ON HB 431

Opening Statement by Sponsor:

REP. HOLLY RASER (D), HD 98, opened the hearing on **HB 431**, Revise property owner protest rights on sewer projects.

00:00:36

[EXHIBIT\(loh31a01\)](#)

Proponents' Testimony:

00:14:01 REP. DAVID WANZENRIED, HD 97, MISSOULA

00:16:05 Gerard Berens, Homeowner in Missoula

Opponents' Testimony:

00:19:12 Gordon Morris, Montana Association of Counties

00:21:02 Linda Stoll, Association of Planners

Informational Testimony: None

Questions from Committee Members and Responses:

00:21:31

Closing by Sponsor:

00:34:24

HEARING ON HB 436

Opening Statement by Sponsor:

REP. DENNIS HIMMELBERGER (R), HD 47, opened the hearing on **HB 436**, Developer option of donating land to school district.

00:37:17

Proponents' Testimony:

00:39:59 Matt Rosavich, Developer in Billings

[EXHIBIT\(loh31a02\)](#)

00:46:56 Gordon Morris, Montana Association of Counties

00:49:07 Rod Snee, Superintendent of Billings Schools

Opponents' Testimony:

00:51:10 Janie McCall, City of Billings
00:52:54 Linda Stoll, Association of Planners

Informational Testimony: None

Questions from Committee Members and Responses:

00:54:28

Closing by Sponsor:

01:07:12

HEARING ON HB 444

Opening Statement by Sponsor:

REP. RICK MAEDJE (R), HD 2, opened the hearing on **HB 444,**
Establish county law enforcement advisory commission.
01:08:33

Proponents' Testimony:

01:14:52 Danielle Gabriel, Social Worker Lincoln County
01:16:24 Diane Lindsey, Social Worker

Opponents' Testimony:

01:17:49 Jim Cashfu, President Peace Officers Association
01:21:24 Kathy McGown, Montana County Attorneys Association
01:21:44 Sheriff David Castle, Cascade County

Informational Testimony:

01:22:55 Gordon Morris, Montana Association of Counties

Questions from Committee Members and Responses:

01:23:18

Closing by Sponsor:

01:31:09

EXECUTIVE ACTION ON COMMITTEE BILL

DISCUSSION:

01:57:56

EXHIBIT (loh31a03)

**THE COMMITTEE WILL REDRAFT THE COMMITTEE BILL AND HEAR IT NEXT
THURSDAY, FEBRUARY 10, 2005**

EXECUTIVE ACTION ON HB 233

Motion: REP. OLSON moved that HB 233 DO PASS.

Discussion:
02:04:41

Motion: REP. MCGILLVRAY moved that HB 233 BE AMENDED.

Discussion:
02:05:47

Motion/Vote: REP. HARRIS moved that HB 233 BE TABLED. Motion carried 14-4 by roll call vote with REPS. ARNTZEN, MAEDJE, MCGILLVRAY, and NOENNIG voting no. REP. CAMPBELL voted by proxy.

EXECUTIVE ACTION ON HB 247

Motion: REP. OLSON moved that HB 247 DO PASS.

Discussion:
02:32:42

Vote: Motion failed 2-16 by voice vote with REPS. HENDRICK and MAEDJE voting aye. REP. CAMPBELL voted by proxy.

CHAIRMAN NOENNIG MOVED THAT, WITHOUT OBJECTION, HB 247 BE TABLED AND THE VOTE REVERSED. MOTION PASSED 16-2 with REPS. HENDRICK and MAEDJE voting aye. REP. CAMPBELL voted by proxy.

EXECUTIVE ACTION ON HB 330

Motion: REP. JOPEK moved that HB 330 DO PASS.

Motion: REP. JOPEK moved that HB 330 BE AMENDED.

Discussion:
02:42:07
[EXHIBIT \(loh31a04\)](#)

Vote: Motion carried unanimously by voice vote. REP. CAMPBELL voted by proxy.

Motion: REP. JOPEK moved that HB 330 DO PASS AS AMENDED.

Discussion:
02:44:39

Vote: Motion carried 12-6 by roll call vote with REPS. BARRETT, MACLAREN, MAEDJE, MCGILLVRAY, NOENNIG, and OLSON voting no. REP. CAMPBELL voted by proxy.

EXECUTIVE ACTION ON HB 321

Motion: REP. DICKENSON moved that HB 321 DO PASS.

Motion: REP. DICKENSON moved that HB 321 BE AMENDED.

Discussion:
02:58:38
[EXHIBIT](#)(loh31a05)

Vote: Motion carried unanimously by voice vote. REP. CAMPBELL voted by proxy.

Motion: REP. HENDRICK moved that HB 321 DO PASS AS AMENDED.

Discussion:
03:04:24

Motion: REP. HARRIS moved that HB 321 BE AMENDED.

Discussion:
03:04:48

Vote: Motion carried unanimously by voice vote. REP. CAMPBELL voted by proxy.

Motion: REP. HENDRICK moved that HB 321 DO PASS AS AMENDED.

Discussion:
03:05:38

Vote: Motion carried 11-7 by roll call vote with REPS. ARNTZEN, BARRETT, HENDRICK, MAEDJE, MCGILLVRAY, OLSON, and STAHL voting no. REP. CAMPBELL voted by proxy.

ADJOURNMENT

Adjournment: 6:40 P.M.

REP. MARK E. NOENNIG, Chairman

KYANNE KELLY, Secretary

MN/kk

Additional Exhibits:

EXHIBIT ([loh31aad0.PDF](#))