

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN JEFF MANGAN**, on February 10, 2005 at 3:02 P.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Jeff Mangan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Jim Shockley (R)
Sen. Carolyn Squires (D)
Sen. Mike Wheat (D)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Kirby, Committee Secretary
Leanne Kurtz, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 300, 1/27/2005; SB 294,
1/27/2005; SJ 11, 1/27/2005
Executive Action: SB 185; SB 158; SB 255; SB 173; SB
279; SB 290; SJ 11

HEARING ON SB 300

{Tape: 1; Side: A; Approx. Time Counter: 1.5}

Opening Statement by Sponsor:

SEN. KEN TOOLE (D), SD 41, opened the hearing on **SB 300**, Preference for locating state offices in downtown areas.

{Tape: 1; Side: A; Approx. Time Counter: 1.5 - 6.1}

SEN. TOOLE explained the purpose of the bill. He said that both cities and small towns were affected by the location of state offices. He told the committee that **SB 300** set preference for the location of a state agency in the downtown area if it was cost-effective. He noted that there was a list of things to be used to determine if it would be cost effective. **SB 300** also required state agencies to complete a bi-annual report on the location. He stated all things being equal, agencies would get a two percent advantage for locating downtown. **SEN. TOOLE** noted that he did not expect that to be used very often. He informed the committee that there were similar requirements in federal law and other states had a similar law.

Proponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 6.1 - 10.5}

Tim Burton, Helena City Manager, told the committee that the location of federal and state offices in the area helped create a vibrant downtown area. **Mr. Burton** gave some examples of how the location of federal and state offices downtown helped save the district. He said that there were other opportunities to help downtown area but locating agency offices downtown helped. He noted that the bill only required that agencies look at the viability and does not require them to locate downtown.

Linda Stoll, Montana Association of Planners, stated that **SB 301** was good planning and would help in the revitalization efforts of urban cores.

Tim Davis, Montana Smart Growth Coalition, submitted a letter from the Downtown Billings Partnership.

[EXHIBIT \(los00a01\)](#)

Mr. Davis told the committee that **SB 300** would merely give preference to downtown areas for state agencies location. He noted that there was no mandate, merely an encouragement.

Opponents' Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 10.5 - 28.6}

Ted Beck, Beck Property Inc., read his testimony into the record.

EXHIBIT (los00a02)

William Spilcer told the committee of his experiences with the Department of Administration. He said that the proposal was flawed. He complained that the problems were vague and open-ended. **Mr. Spilcer** contended that the definitions were bad and the bill failed to set the boundaries of what was a downtown area. He told the committee that the bill would be costly. The two percent bump would be a lot of extra money and the fiscal note failed to show that. **Mr. Spilcer** argued that **SB 300** was preferential legislation and was attempting to prop up an area that the public has vacated. He felt that the status quo already protects people.

Fred Easy read his testimony into the record.

EXHIBIT (los00a03)

Andy Skinner told the committee that he was a property owner and the Department of Weights and Measures rented from him. He said that the department could not be located downtown and was unsuited to downtown area. **Mr. Skinner** contended that government should not pit businesses against each other. He felt that they already subsidized downtown businesses enough. He argued that **SB 300** was not cost effective. He noted that many of the downtown buildings were not earthquake safe and Helena was on a fault line. He stated that the drive time and milage commuting to the downtown area would be costly. **Mr. Skinner** agreed with helping downtown areas but believed **SB 300** was not the solution.

Informational Testimony:

{Tape: 1; Side: A; Approx. Time Counter: 28.6 - 29.4}

Ralph Dicunzo, Department of Military Affairs, told the committee that some practical requirements would force agencies, like the Department of Military Affairs, to be located in outlying areas.

Questions from Committee Members and Responses:

{Tape: 1; Side: A; Approx. Time Counter: 29.4 - 31.5}

{Tape: 1; Side: B; Approx. Time Counter: 1.4 - 5.5}

SEN. WHEAT asked if there was someone from the Department of Administration present. There was not.

SEN. WHEAT questioned what was the going rate in Helena for rental property and whether it was 17 dollars a square foot. **Mr. Beck** answered that, on average, the rate was not that high.

SEN. LAIBLE wanted to know if there was a large vacancy rate downtown. **SEN. TOOLE** said that he was not sure about the vacancy rate statewide but the vacancy rate was high in Helena.

SEN. LAIBLE questioned whether the bill was aimed at Helena. **SEN. TOOLE** stated that it was an issue in Helena but there was support statewide.

SEN. LAIBLE asked about what the bill did for parking. **SEN. TOOLE** answered that there was wide latitude for agencies to decide what they needed as far as parking. He stated that his experience was that parking was a problem with locating downtown.

SEN. LAIBLE wanted to know if the downtown areas were already cheaper because they were older buildings. **SEN. TOOLE** responded that the market forces and prices vary.

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 5.5 - 7.2}

SEN. TOOLE said that **SB 300** would not be a huge change. He stated that the bill would be a statement to the Department of Administration. He thought that the issue of reporting was already done and **SB 300** would not alter the status quo. He told the committee that government offices were being relocated outside of cities and towns and the development leaves a hole downtown.

HEARING ON SB 294

{Tape: 1; Side: B; Approx. Time Counter: 7.4}

Opening Statement by Sponsor:

SEN. BOB HAWKS (D), SD 33, opened the hearing on **SB 294**, Revise SID protest periods.

{Tape: 2; Side: B; Approx. Time Counter: 7.3 - 9.5}

SEN. HAWKS explained that the two-week notice required for an SID protest period was not enough time if the 2 week period was over a holiday. He said that there was not ample time to protest and many people were out of town over the holidays. **SB 294** would give an additional five days if the protest period occurred during a state holiday.

Proponents' Testimony:

{Tape: 1; Side: B; Approx. Time Counter: 9.5 - 10.6}

Harold Blattie, Montana Association of Counties (MACo), supported the bill because it was only fair to provide 2 weeks of "working days". Holidays are not working days and deserved more time.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Counter: 10.6 - 12.1}

SEN. LAIBLE asked what holidays were covered by **SB 294**. **SEN. HAWKS** answered that all state designated holidays were covered.

SEN. LAIBLE wanted to know why they did not just add five days to the SID protest period and not worry about holidays. **SEN. HAWKS** said that the system works well and it was an appropriate time period. But under the circumstances of holidays, it was not. **SEN. HAWKS** called it a question of fairness.

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 12.1 - 12.3}

SEN. HAWKS thanked the committee.

HEARING ON SJ 11

{Tape: 1; Side: B; Approx. Time Counter: 13.2}

Opening Statement by Sponsor:

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

{Tape: 1; Side: B; Approx. Time Counter: 13.2 - 18.4}

SEN. LAIBLE noted that there was an amendment to **SJ 11**.

EXHIBIT(1os00a04)

SEN. LAIBLE explained to the committee that during the interim, a subcommittee worked on the problems with subdivisions. He told the committee that the working group solved some of the problems of subdivision procedure and wrote **SB 116**. After the working group finished with **SB 116**, they continued to work together on the substantive issues dealing with 76.3. **SEN. LAIBLE** said that the government had been "putting band-aids on the problem." **SJ 11** was drafted to change the substantive issues of subdivisions and work to pass a law that would work for Montana. He noted that the working group focused on consistency and continuity.

Proponents' Testimony:

{Tape: 1; Side: B; Approx. Time Counter: 18.4 - 22.3}

Anne Hedges, Montana Environmental Information Center, stood in support of the bill. She said that the working group had developed trust in each other and worked well.

Harold Blattie, Montana Association of Counties (MACo), supported **SJ 11**. He applauded **SEN. LAIBLE**. He noted that they had formed a coalition that worked hard to reach common goals. He told the committee that the word "all" on amendment two caused him some pause. He expressed his hope that the committee would determine exactly what that meant.

Tim Davis, Montana Smart Growth Coalition, expressed their support for **SJ 11**.

Glenn Oppel, Montana Association of Realtors, stood in support of the bill.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

{Tape: 1; Side: B; Approx. Time Counter: 22.3 - 26.6}

SEN. GEBHARDT said that the constant changes in subdivision law were a struggle for small counties to keep up with and asked **SEN. LAIBLE** if **SJ 11** passed, he could come up with something lasting. **SEN. LAIBLE** replied that nothing lasts forever. He argued that the current law was not working and **SJ 11** would help. He noted that **SJ 11** would reduce the number of lawsuits involving subdivisions.

SEN. WHEAT wanted to know how the League of Cities and Towns felt about **SJ 11**. **Alec Hansen, Montana League of Cities and Towns**, answered that the League would work with improving subdivision laws. He said that **SJ 11** was a good idea. He noted that the League would be sure to attend the next meeting of the working group.

Closing by Sponsor:

{Tape: 1; Side: B; Approx. Time Counter: 26.6 - 27.3}

SEN. LAIBLE told the committee that everything in the bill was a consensus. He noted that the working group had to have common ground and consensus.

INTERIM STUDY COMMITTEE

{Tape: 2; Side: A; Approx. Time Counter: 0 - 10.9}

Harold Blattie, Montana Association of Counties, told the committee that there were numerous bills in both the House and the Senate dealing with special improvement districts (SIDs). He gave the committee a handout.

EXHIBIT (los00a05)

He noted that there were a huge number of SIDs and he suggested passing a bill to do an interim study committee. **Mr. Blattie** wanted a better way to administer SIDs. **SEN. MANGAN** asked if there was an appropriation in the bill. **Mr. Blattie** said that there were two ways to do an interim committee and he preferred a bill. **SEN. MANGAN** declared that it would be an open discussion.

SEN. ESP stated that he did not think they needed a whole committee. He felt that the interim committee would address the problems with SIDs if they were important.

SEN. MANGAN told him that without a resolution directing the interim committee to address the issue, the interim committee would not look at it.

SEN. SHOCKLEY stated that he was not sure they had the votes to pass the resolution.

SEN. GILLAN commended the idea of the study but did not think that they needed to expand the membership beyond legislators. She was concerned about the additional cost. She supported a resolution similar to **SJ 11**.

SEN. WHEAT asked **Mr. Blattie** why a working group could not study the problem and fund it themselves. **Mr. Blattie** said that they could but a legislative study had more legitimacy.

SEN. WHEAT stated that the working group could bring a bill to the legislature. He commented that it would be tough to get the appropriation for the study. He applauded the idea and told **Mr. Blattie** that he could bring a bill and he would have it drafted.

SEN. O'NEIL wanted to know if **Mr. Blattie** could go to the Department of Revenue and ask for the money. **SEN. MANGAN** answered that they could, even without the committee's directive.

SEN. MANGAN said that he did not want to take a vote because he did not think they had the seventy-five percent vote that was necessary. He suggested that **Mr. Blattie** go to the interim committee and ask them to put the issue on the agenda. He promised to advocate for the work. He noted that it was important for Local Government to maintain a presence on the committee and not get swallowed up by the Education issues.

SEN. LAIBLE suggested that they review the list and remove the legislators from the working group.

SEN. MANGAN told **Mr. Blattie** to call it a task force.

Mr. Blattie thanked the committee and said he would follow the committee's suggestions.

SEN. HAWKS acted as Chairman.

EXECUTIVE ACTION ON SB 185

{Tape: 2; Side: A; Approx. Time Counter: 10.9 - 28.6}

SEN. MOSS gave a report from the **SB 185/SB 158** subcommittee. She told the committee that a consensus amendment had been drafted.

SEN. MOSS thanked the working group. She noted that the amendment combined elements from both bills. She explained the amendment that they had worked on. **SEN. MANGAN** clarified that they had taken the five main sections from **SB 158** and combined it into **SB 185**.

Motion: **SEN. MANGAN** moved that **SB 185 DO PASS**.

Motion: **SEN. MOSS** moved that **SB 185 BE AMENDED WITH SB018501.ALK**.

EXHIBIT (los00a06)

Discussion: **SEN. O'NEIL** asked what the definition of "development community" was. **SEN. MANGAN** answered that an example would be a member of the Realtors or Building Industry. **SEN. O'NEIL** wanted to know if it was defined in the bill. **SEN. LAIBLE** said that he didn't think it needed to be defined. He asked **Mr. Kakuk** if it needed to be defined. **Mr. Kakuk** stated that the minutes from the committee meeting would serve as a record of legislative intent. He defined it as "developer, realtor, or builder." **SEN. SHOCKLEY** noted that it was the people that would have to pay the impact fee. **SEN. GILLAN** asked if the one year transition of page 10 was too short of time. **Mr. Davis** explained that the local governments would just be updating their statutes to ensure compliance. **SEN. WHEAT** asked **Mr. Kakuk** if the bill would resolve the problem of Gallatin county. **Mr. Kakuk** answered that the bill would not address the specific problem and was never intended to solve the problem. He noted that the bill would prevent lawsuits in the future. **SEN. WHEAT** wanted to know how **SB 185** would affect alternative jurisdictions. **Mr. Kakuk** said they addressed it in the bill. **SEN. GILLAN** wanted to know why the vote for approval was two-thirds of the city council and a unanimous vote of the county commissioners. **Mr. Davis** explained that city councils were large and county commissions only had three commissioners.

Motion: **SEN. MANGAN CALLED THE QUESTION ON SB018501.ALK**.

Vote: Motion that **SB 185 BE AMENDED** carried unanimously.

Motion/Vote: SEN. MANGAN moved that SB 185 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

SEN. MANGAN expressed his happiness in passing SB 185. He thanked the working group, subcommittee, and SEN. LAIBLE for their hard work, dedication, and willingness to work for consensus. He noted that there had been a motion on the Senate floor the day before to add SEN. LAIBLE as co-sponsor to SB 185.

EXECUTIVE ACTION ON SB 158

{Tape: 2; Side: A; Approx. Time Counter: 28.6 - 29.2}

Motion/Vote: SEN. MANGAN moved that SB 158 BE TABLED. Motion carried unanimously by voice vote.

BREAK - 11 MINUTES

SEN. MANGAN, SEN. SQUIRES, SEN. WHEAT exited.

SEN. MOSS acted as Chairwoman.

EXECUTIVE ACTION ON SB 255

{Tape: 2; Side: B; Approx. Time Counter: 0 - 30.6}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 0.5}

Motion: SEN. GEBHARDT moved that SB 255 DO PASS.

Motion: SEN. GEBHARDT moved that SB 255 BE AMENDED with SB025501.ALK.

EXHIBIT (los00a07)

Discussion: Leanne Kurtz, Legislative Services, explained the amendment and how it affected the bill. She noted that some of the amendments were intended to address the concerns of the realtor community, including changing the requirement for permits to a requirement for a permit system. SEN. O'NEIL asked why the bill regulates a tree in the airport improvement district that would not be over 200 feet tall. SEN. GEBHARDT answered that most of the state's airports were on a plateau but it was possible to have one in a valley and the tree would affect those.

SEN. WHEAT entered.

SEN. O'NEIL wanted to know why the regulations did not just say no trees over a certain height, rather than having to get a permit. **SEN. GEBHARDT** deferred to **Myra Shults, Montana Association of Counties**, answered that in most situations, a property owner would not have to get a permit. She said that the bill conformed to the Federal Aviation Administration (FAA) regulations. **SEN. O'NEIL** questioned whether the bill could be changed from "must look at trees" to "may look at trees." **Ms. Shults** contended that the permit system was mandatory and they would need to find language that would make the permit system mandatory and some trees permissive. **Ms. Shults** believed that narrow definitions and a detail approach were necessary to meet constitutional muster. **SEN. O'NEIL** asked **Mr. Kakuk** how the realtors felt about the amended bill. **Mr. Kakuk** answered that the realtors had withdrawn their objections. **SEN. ESP** questioned **Ms. Shults** regarding section 4. **Ms. Shults** answered that it was current law. She said that structures needed to be lit if they were: new, if the property owner obtained a variance, or if it was a pre-existing non-conforming use and it would be reasonable to require the local government to deal with the obstruction if it was in place prior to the law being adopted. However, the local government would be absolved from paying on new requests for variances.

SEN. MANGAN entered.

SEN. SQUIRES entered.

SEN. MANGAN resumed as chairman.

SEN. GILLAN wanted to know what the enforcement mechanism was for delinquent property owners, who do not maintain obstruction markers. **SEN. GEBHARDT** replied that the local government should address the issue. **Ms. Shults** noted that it was an FAA requirement. **SEN. ESP** stated that if it was a requirement, the local government should install and maintain the markers and it should be part of the permit system. **SEN. GEBHARDT** said that it was a property owner's responsibility to preserve safety in spite of their obstructions. **SEN. MANGAN** wanted to know if it was at the owner's expense or the local government's expense. **SEN. GEBHARDT** responded that pre-existing structures would be at the local government's expense. **SEN. WHEAT** questioned **Ms. Shults** if local governments could require money from a property owner as part of the permit system. **Ms. Shults** replied that they could not, the permit was for information only. **Ms. Shults** deferred to **Harold Blattie, MACo**. **Mr. Blattie** told the committee that the local governments would be responsible to mark and maintain markers on any pre-existing structures and to pay for it. The property owner would be responsible for any new projects and any new projects would be at the property owner's expense. **SEN. WHEAT**

clarified that new projects would be the owner's responsibility.

Motion: SEN. MANGAN CALLED THE QUESTION ON SB025501.ALK.

Vote: Motion that SB 255 BE AMENDED carried unanimously by voice vote.

Motion/Vote: SEN. GEBHARDT moved that SB 255 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. SHOCKLEY voting no.

EXECUTIVE ACTION ON SB 173

{Tape: 3; Side: A; Approx. Time Counter: 0 - 30.6}

{Tape: 3; Side: B; Approx. Time Counter: 2.3 - 18}

Motion: SEN. HAWKS moved that SB 173 DO PASS.

Motion: SEN. HAWKS moved that SB 173 BE AMENDED with SB017302.AJK.

EXHIBIT(los00a08)

SEN. MANGAN, SEN. LAIBLE, and SEN. O'NEIL exited.

Discussion: SEN. HAWKS explained his amendment. He said the amendment would clarify that the bill's intent, which was to provide provisions for Montana's rivers but encourage counties to come up with their own guidelines. SEN. SHOCKLEY noted that he had given his version of an amendment to staff. He said that the difference between his amendment suggestions and the amendment were on page three. SEN. SHOCKLEY asked how wide a stream was. Janet Ellis, Montana Autobahn, said that there was not a designated depth but a "stream" had to be perennial and have a high water mark. SEN. SHOCKLEY pointed out that a stream may have a high water mark and still be dry. Ms. Ellis answered that perennial meant it had to have water in it all year round

SEN. MANGAN entered.

SEN. GEBHARDT wanted to know what a high water mark was. SEN. HAWKS replied that it was defined. SEN. ESP questioned how the high water mark related to the hundred year flood plain. SEN. HAWKS replied that the bill stated one-hundred yards or the zoned boundary of the flood plane, whichever is greater from the high water mark. SEN. ESP stated that he thought it was fifty yards. SEN. HAWKS responded that the fifty yards was a minimum for local governments to set up regulations to supercede the state law.

SEN. ESP asked if the bill proposed 100 yards statewide unless the county lowered it to fifty yards. **SEN. HAWKS** answered that local governments could change the setback but the state had to start somewhere. He noted that a third of the counties already have a setback. **SEN. WHEAT** asked **Mr. Kakuk** if the amendments relieved some of the objections that the realtors had to the bill. **Mr. Kakuk, Montana Association of Realtors**, replied that some of their concerns had been addresses but they felt it was still statewide zoning. **SEN. SHOCKLEY** wanted to know how the bill would impact realtors. **Mr. Kakuk** replied that there would be less land for development. **SEN. SHOCKLEY** wanted to know how they would interpret the high water mark. **Mr. Kakuk** said that it would require more employees. **SEN. SHOCKLEY** asked why there was not a fiscal note related to the bill. **SEN. HAWKS** responded that local jurisdictions could assess their own fees and with the number of counties and cities with their own guidelines, there was not a significant fiscal impact.

Motion: **SEN. ESP CALLED THE QUESTION ON SB017302.AJK.**

Vote: Motion that SB 173 BE AMENDED carried 8-3 by roll call vote with **SEN. ESP**, **SEN. O'NEIL**, and **SEN. SHOCKLEY** voting no. **SEN. O'NEIL** voted no by proxy. **SEN. LAIBLE** voted aye by proxy.

Motion: **SEN. HAWKS** moved that SB 173 DO PASS AS AMENDED.

Discussion: **SEN. HAWKS** said that development was closing in and the legislators had the obligation to preserve the open space of Montana. He stated that rivers and streams were one of the greatest resources of Montana and they needed to be protected. **SEN. GILLAN** wanted to know if the purpose of the bill was to establish a protected waterway corridor. **SEN. HAWKS** answered that **SB 173** was a timely move to encourage the process of protection. **SEN. GILLAN** clarified that the purpose was to provoke counties and cities to begin waterside management. **SEN. HAWKS** stated that there was no mandate on local government except to service the law until they come up with their own regulations to supercede. **SEN. GILLAN** asked if there would be any money given to local governments. **SEN. HAWKS** said no but the bill provided a mechanism for local governments to assess fees. **SEN. GILLAN** wanted to know if the delay in local government's creating their own districts for the water management corridor delay someone from developing. **SEN. HAWKS** responded that pre-existing lots were grand-fathered. He stated that from the bill's date of passage, the laws would be in effect, until local governments changed them. **SEN. ESP** said that the issue was the prevue of the local governments and the state should not pre-empt local government. **SEN. SHOCKLEY** contended that waterside management was needed but not state wide

zoning template. He stated that it would not work. He believed that the bill should only apply to rivers. He noted that it would stop development and would decrease land values. **SEN. ESP** agreed that rivers should be under state law but local governments should regulate streams and creeks. **SEN. HAWKS** said that zoning was the prevue of local governments but rivers and streams impact statewide and need to be regulated. He contended that it was time to promote statewide waterside management and encourage local governments to regulate stream sides. He noted that the state owned the rivers, the water, and the wildlife, and it was the state's responsibility to protect them. **SEN. HAWKS** argued that the bill was necessary. **SEN. HAWKS** discussed grand-fathering, and that existing structures would not be required to adhere to the bill but would be monitored for impacts or risks.

Vote: Motion that SB 173 DO PASS AS AMENDED carried 6-5 by roll call vote with **SEN. ESP**, **SEN. GEBHARDT**, **SEN. LAIBLE**, **SEN. O'NEIL**, and **SEN. SHOCKLEY** voting no. **SEN. O'NEIL** and **SEN. LAIBLE** voted no by proxy.

EXECUTIVE ACTION ON SB 279

{Tape: 3; Side: B; Approx. Time Counter: 18.5 - 20.2}

Motion/Vote: **SEN. MOSS** moved that SB 279 DO PASS. Motion carried 9-2 by voice vote with **SEN. ESP** and **SEN. O'NEIL** voting no. **SEN. O'NEIL** voted no by proxy. **SEN. LAIBLE** voted aye by proxy.

EXECUTIVE ACTION ON SB 290

{Tape: 3; Side: B; Approx. Time Counter: 20.2 - 25.6}

SEN. WHEAT acted as Chairman.

Motion: **SEN. MANGAN** moved that SB 290 DO PASS.

Motion: **SEN. MANGAN** moved that SB 290 BE AMENDED WITH SB029001.ATE.

EXHIBIT(los00a09)

Discussion: **SEN. MANGAN** said the amendments were technical and the entire working group had agreed to them. **Leanne Kurtz, Legislative Services**, explained the amendments and what each did. **SEN. ESP** asked a question regarding what was struck from the bill. **Ms. Kurtz** clarified.

Vote: Motion that SB 290 BE AMENDED carried unanimously by voice vote. SEN. LAIBLE and SEN. O'NEIL voted aye by proxy.

Motion/Vote: SEN. MANGAN moved that SB 290 DO PASS AS AMENDED. Motion carried unanimously by voice vote. SEN. LAIBLE and SEN. O'NEIL voted aye by proxy.

EXECUTIVE ACTION ON SJ 11

{Tape: 4; Side: A; Approx. Time Counter: 0 - 7.2}

Motion: SEN. SQUIRES moved that SJ 11 DO PASS.

Motion/Vote: SEN. GEBHARDT moved that SJ 11 BE AMENDED WITH SJ01101.alk. Motion carried unanimously by voice vote. SEN. LAIBLE and SEN. O'NEIL voted aye by proxy.

Motion: SEN. GEBHARDT moved that SJ 11 DO PASS AS AMENDED.

Discussion: SEN. ESP commented that everyone had been brought into the consensus group except for the common man. He said that the bill might compromise their constituents' liberty. SEN. SHOCKLEY stated that the consensus groups were basically special interests that got together and wrote a bill whether the people of Montana liked it or not. SEN. GILLAN echoed SEN. ESP's concern that the common people did not have a lobbyists to represent them. SEN. MANGAN said that he had seen special interests fight for a long time and accomplish nothing. He noted that the best things come out of consensus. SEN. MANGAN commented that compromise worked best. SEN. ESP said that he was not trying to be ornery, he was just trying to protect people's personal freedom and preserve consistency.

Vote: Motion that SJ 11 DO PASS AS AMENDED carried 9-2 by voice vote with SEN. ESP, and SEN. O'NEIL voting no. SEN. LAIBLE voted aye by proxy. SEN. O'NEIL voted no by proxy.

ADJOURNMENT

Adjournment: 5:56 P.M.

SEN. JEFF MANGAN, Chairman

JENNIFER KIRBY, Secretary

JM/jk

Additional Exhibits:

EXHIBIT ([los00aad0.PDF](#))