

MINUTES

**MONTANA SENATE
60th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: By **CHAIRMAN KIM GILLAN**, on February 22, 2007 at 3:00 P.M., in Room 317-B Capitol.

ROLL CALL

Members Present:

Sen. Kim Gillan, Chairman (D)
Sen. John Esp (R)
Sen. Kelly Gebhardt (R)
Sen. Bob Hawks (D)
Sen. Carol C. Juneau (D)
Sen. Rick Laible (R)
Sen. Lynda Moss (D)
Sen. Terry Murphy (R)
Sen. Jerry O'Neil (R)
Sen. Mitch Tropila (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Leanne Heisel, Legislative Branch
Marigail Schreiner, 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: SB 292, SB 398, SB 503, SB 527,
SJ 26, 2/15/2007
Executive Action: SJ 26, SB 527, SB 398, SB 503,
SB 292, SB 427, SB 451, SB 361,
SB 325, SB 338, SB 160, SB 339

00:00:00 Opening comments by Chairman Gillan

HEARING ON SB 292

Opening Statement by Sponsor:

SEN. DON RYAN (D), SD 10, opened the hearing on **SB 292**,
Requiring stop signal arms on certain buses.

Proponents' Testimony:

00:04:20 None

Opponents' Testimony:

00:04:26 Lyn Hellegaard, Montana Transit Association

00:08:18 Charlie Briggs, Montana Association of Community
Services

Informational Testimony:

00:11:05 None

Questions from Committee Members and Responses:

00:11:10 Sen. Laible to Charlie Briggs

Closing by Sponsor:

00:12:26 Sen. Ryan

HEARING ON SJ 26

Opening Statement by Sponsor:

00:16:29 **SEN. RICK LAIBLE (R), SD 44**, opened the hearing on **SJ
26**, Interim study of zoning and land use planning.

Proponents' Testimony:

00:17:55 Tim Davis, Montana Smart Growth Coalition

00:19:43 Janet Ellis, Montana Audubon

00:19:51 Harold Blattie, Executive Director, Montana Association
of Counties

Opponents' Testimony:

00:20:17 None

Informational Testimony:

00:20:24 None

Questions from Committee Members and Responses:

00:20:29 None

Closing by Sponsor:

00:20:34 Sen. Laible

HEARING ON SB 503

Opening Statement by Sponsor:

00:21:26 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 503**, Extend county zoning protest period.

Proponents' Testimony:

00:23:06 Steve White, Gallatin County Commissioner

EXHIBIT (los40a01)

00:25:17 Sen. Williams arrived

00:26:50 Michael Harris, Legislative Liaison for Gallatin County

Opponents' Testimony:

00:28:22 None

Informational Testimony:

00:28:29 Tim Davis, Montana Smart Growth Coalition

Questions from Committee Members and Responses:

00:29:13 Sen. Hawks to Michael Harris

00:29:59 Commissioner White

00:32:28 Sen. Laible to Commissioner White

00:34:14 Chairman Gillan to Commissioner White

00:34:39 Leanne Heisel

00:35:06 Sen. Gillan to Commissioner White

00:35:47 Sen. Esp

Closing by Sponsor:

00:36:07 Sen. Perry

HEARING ON SB 398

Opening Statement by Sponsor:

00:36:30 **SEN. KELLY GEBHARDT (R), SD 23**, opened the hearing on **SB 398**, Require gravel resource report.

Proponents' Testimony:

00:37:58 Cary Hegreberg, Montana Contractors' Association

00:40:58 Michael Kakuk, Montana Contractors' Association and Montana Realtors' Association

Opponents' Testimony:

00:42:31 Harold Blattie, Executive Director, Montana Association of Counties

00:45:34 Linda Stoll, representing Missoula County

00:46:37 Tim Davis, Montana Smart Growth Coalition

Informational Testimony:

00:47:44 None

Questions from Committee Members and Responses:

00:47:50 Sen. Hawks to Harold Blattie

00:48:53 Sen. Esp to Cary Hegreberg

00:50:34 Sen. O'Neil to Cary Hegreberg

00:52:28 Sen. Esp to Harold Blattie

00:54:26 Sen. Esp

Closing by Sponsor:

00:54:53 Sen. Gebhardt

00:55:12 Sen. Williams left

HEARING ON SB 527

Opening Statement by Sponsor:

00:57:36 **SEN. ESP** opened for **SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SB 527**, Revise condominium exemption for subdivision review.

Proponents' Testimony:

00:58:24 Myra Shults, Land Use Attorney for JPIA

EXHIBIT(1os40a02)

00:59:28 Linda Stoll, Missoula County

EXHIBIT(1os40a03)

00:59:51 Tim Davis, Montana Smart Growth Coalition

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

01:01:28 Harold Blattie, Executive Director, Montana Association of Counties

01:02:17 Susie Browning, Granite County Commissioner

Opponents' Testimony:

01:02:59 Glenn Oppel, Montana Association of Realtors

EXHIBIT(1os40a04)

01:06:08 Ken Allen, Real Estate Broker, Missoula

Informational Testimony:

01:08:27 None

Questions from Committee Members and Responses:

01:08:34 Sen. Esp to Glenn Oppel
01:09:43 Sen. Esp to Myra Shults
01:10:24 Sen. Laible to Myra Shults

Closing by Sponsor:

01:11:33 Sen. Gillan

EXECUTIVE ACTION ON SJ 26

Motion: SEN. LAIBLE moved that SJ 26 DO PASS.

01:14:21 **Motion: SEN. LAIBLE moved that SJ 26 BE AMENDED.**

EXHIBIT (los40a05)

01:14:51 **Vote: Motion carried unanimously by voice vote.**

01:15:03 **Motion: SEN. LAIBLE moved that SJ 26 DO PASS AS
AMENDED.**

Discussion:

01:15:13 Sen. Gebhardt

01:15:29 **Vote: Motion carried 8-2 by voice vote with SEN. ESP
and SEN. O'NEIL voting no.**

EXECUTIVE ACTION ON SB 527

01:16:05 **Motion: SEN. MOSS moved that SB 527 DO PASS.**

Discussion:

01:16:16 Sen. O'Neil

01:17:06 **Vote: Motion carried 9-1 by voice vote with SEN.
O'NEIL voting no.**

EXECUTIVE ACTION ON SB 398

01:17:33 **Motion:** SEN. GEBHARDT moved that SB 398 DO PASS.

01:18:13 **Motion:** SEN. GEBHARDT moved that SB 398 BE AMENDED.

Discussion:

01:19:01 Leanne Heisel

01:19:09 Chairman Gillan

01:19:22 Sen. Tropila to Sen. Gebhardt

01:21:09 Sen. Tropila to Sen. Laible

01:22:03 Sen. Hawks to Sen. Gebhardt

01:23:57 Sen. Williams arrived

01:24:55 Chairman Gillan

01:25:21 **Motion:** SEN. GEBHARDT withdrew his original CONCEPTUAL AMENDMENT.

01:25:37 **Motion:** SEN. GEBHARDT moved that SB 398 BE CONCEPTUALLY AMENDED.

Discussion:

01:25:44 Leanne Heisel explained conceptual amendment

01:26:33 Sen. Gebhardt

01:27:01 **Vote:** Motion carried unanimously by voice vote.

01:27:17 **Motion:** SEN. GEBHARDT moved that SB 398 DO PASS AS AMENDED.

Discussion:

01:27:28 Sen. Hawks to Sen. Gebhardt

01:27:50 Sen. Laible to Tim Davis

01:28:30 Sen. Gebhardt

01:28:47 Sen. Laible

01:29:23 Leanne Heisel

01:29:51 Sen. Tropila to Sen. Gebhardt
 01:30:57 Sen. Gebhardt
 01:31:20 Sen. Williams left
 01:32:01 Sen. Hawks to Sen. Gebhardt
 01:34:15 Sen. Moss
 01:35:16 Sen. Gebhardt
 01:36:43 **Vote: Motion carried 6-5 by roll call vote with SEN. JUNEAU, SEN. LAIBLE, SEN. MOSS, SEN. MURPHY, and SEN. WILLIAMS voting no with SEN. WILLIAMS voting no by proxy.**
 01:38:06 Committee Discussion on including SB 398 in work plan for SJ 26

EXECUTIVE ACTION ON SB 503

01:40:13 **Motion: SEN. MOSS moved that SB 503 DO PASS.**
 01:40:35 Leanne Heisel proposed conceptual amendment
 01:41:14 Chairman Gillan
 01:41:22 **Motion: SEN. GEBHARDT moved that SB 503 BE AMENDED.**

Discussion:

01:41:36 Sen. Esp
 01:41:45 Chairman Gillan
 01:42:00 **Vote: Motion carried unanimously by voice vote.**
 01:42:09 **Motion: SEN. GEBHARDT moved that SB 503 DO PASS AS AMENDED.**

Discussion:

01:42:16 Sen. Esp
 01:42:48 Sen. Hawks
 01:43:38 Sen. Laible

01:44:07 Sen. Esp

01:44:25 Sen. Laible

01:45:15 **Motion:** SEN. ESP moved that SB 503 BE CONCEPTUALLY AMENDED.

Discussion:

01:45:21 Sen. Gebhardt

01:46:05 Sen. Laible

01:46:29 Sen. Gebhardt

01:47:36 Chairman Gillan

01:48:11 Leanne Heisel

01:48:26 **SEN. ESP withdrew his CONCEPTUAL AMENDMENT.**

01:48:52 **Vote: Motion carried unanimously by voice vote.**

EXECUTIVE ACTION ON SB 292

01:49:30 **Motion: SEN. MOSS moved that SB 292 DO PASS.**

Discussion:

01:49:42 Sen. Gebhardt

01:50:44 Sen. Hawks

01:51:28 Chairman Gillan

01:51:59 **Substitute Motion/Vote: SEN. O'NEIL made a substitute motion that SB 292 BE TABLED. Substitute motion carried 10-1 by voice vote with SEN. ESP voting no.**

01:52:05 Sen. Williams returned

EXECUTIVE ACTION ON SB 427

01:53:16 Leanne Heisal

EXHIBIT(los40a06)

01:53:42 **Motion:** SEN. HAWKS moved that SB 427 DO PASS AS AMENDED.

Discussion:

01:54:44 Chairman Gillan

01:55:15 Sen. Gebhardt to Sen. Hawks

01:57:34 Chairman Gillan to Sen. Hawks

01:57:57 Sen. Esp

01:58:20 Sen. Williams to Sen. Hawks

01:59:00 Leanne Heisel

01:59:23 Sen. Williams

01:59:42 Sen. Hawks

02:00:38 **Vote:** Motion failed 5-6 by roll call vote with SEN. GILLAN, SEN. HAWKS, SEN. JUNEAU, SEN. MOSS, and SEN. WILLIAMS voting aye.

02:02:45 **Motion/Vote:** SEN. ESP moved that SB 427 BE TABLED AND THE VOTE REVERSED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 451

Motion: SEN. WILLIAMS moved that SB 451 DO PASS.

EXHIBIT(los40a07)

02:03:57 **Motion:** SEN. WILLIAMS moved that SB 451 BE AMENDED.

Discussion:

03:04:02 Sen. Williams

02:05:49 Leanne Heisel

02:06:05 **Vote:** Motion carried unanimously by voice vote.

02:06:15 **Motion:** SEN. WILLIAMS moved that SB 451 DO PASS AS AMENDED.

Discussion:

02:06:23 Sen. Laible to Gordon Morris

02:08:07 Sen. Laible to Greg Van Horssen,

02:09:50 Sen. Tropila to Greg Van Horssen

02:11:46 Sen. Tropila to JD Lynch

02:12:39 Sen. Juneau to Leanne Heisel

02:13:18 Sen. Esp

02:14:01 Chairman Gillan

02:14:36 Greg Van Horssen

02:15:12 Chairman Gillan

02:15:52 Alec Hanson

02:16:41 Chairman Gillan

02:17:11 Sen. Gebhardt

02:17:36 Chairman Gillan

02:17:58 Sen. Esp

02:18:38 Chairman Gillan

02:19:12 **Motion/Vote:** SEN. GILLAN moved TO RECONSIDER previous motion on SB 451 . Motion carried unanimously by voice vote.

02:19:41 **Motion:** SEN. GILLAN moved that SB 451 BE CONCEPTUALLY AMENDED.

Discussion:

02:20:07 Sen. Moss

02:20:18 Sen. Esp

02:20:40 **Vote:** Motion carried unanimously by voice vote.

02:20:48 **Motion:** SEN. WILLIAMS moved that SB 451 DO PASS AS AMENDED.

Discussion:

02:21:10 Sen. Murphy to Leanne Heisel

02:21:54 Sen. O'Neil to Sen. Gebhardt

02:26:01 Chairman Gillan

02:26:39 Sen. Tropila

02:26:59 Sen. Williams

02:27:45 **Vote:** Motion carried 8-3 by roll call vote with SEN. ESP, SEN. LAIBLE, and SEN. O'NEIL voting no.

02:29:33 Sen. Tropila

EXECUTIVE ACTION ON SB 361

02:29:52 **Motion/Vote:** SEN. GEBHARDT moved that SB 361 BE TABLED. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 325

02:30:10 **Motion/Vote:** SEN. TROPILA moved that SB 325 BE TABLED. Motion carried 10-1 by voice vote with SEN. O'NEIL voting no.

EXECUTIVE ACTION ON SB 338

02:32:10 **Motion:** SEN. MURPHY moved that SB 338 DO PASS.

Discussion:

02:32:37 Sen. Hawks

02:33:28 Sen. Laible

02:34:12 Sen. Murphy

02:35:36 Sen. Gebhardt

02:36:59 Sen. Hawks

02:37:47 Sen. Esp

02:38:42 Sen. O'Neil

02:40:04 **Vote:** Motion carried 6-5 by roll call vote with SEN. GILLAN, SEN. HAWKS, SEN. LAIBLE, SEN. O'NEIL, and SEN. WILLIAMS voting no.

EXECUTIVE ACTION ON SB 160

02:41:42 **Motion:** SEN. JUNEAU moved that SB 160 DO PASS.

[EXHIBIT\(los40a08\)](#)

02:42:03 **Motion:** SEN. JUNEAU moved that SB 160 BE AMENDED.

Discussion:

02:42:23 Leanne Heisel

02:42:46 **Vote:** Motion carried unanimously by voice vote.

02:42:49 Sen. Tropila

02:43:25 Sen. Juneau

02:43:51 **Motion/Vote:** SEN. JUNEAU moved that SB 160 DO PASS AS AMENDED. Motion carried 8-3 by voice vote with SEN. ESP, SEN. LAIBLE, and SEN. O'NEIL voting no.

02:44:35 Break

EXECUTIVE ACTION ON SB 339

03:02:36 **Motion:** SEN. MURPHY moved that SB 339 DO PASS.

[EXHIBIT\(los40a09\)](#)

Discussion:

03:02:40 Sen. Murphy

03:06:54 Sen. Hawks

03:12:44 Sen. O'Neil

03:13:31 Sen. Esp

03:15:23 Sen. Laible

03:16:26 Sen. Gebhardt

03:18:15 Sen. Hawks

03:19:48 Sen. Murphy

03:21:39 **Vote:** Motion carried 6-5 by roll call vote with SEN. GILLAN, SEN. HAWKS, SEN. JUNEAU, SEN. MOSS, and SEN. WILLIAMS voting no.

EXECUTIVE ACTION ON SB 527

03:23:03 **Motion/Vote:** SEN. GILLAN moved to reconsider action on SB 527 . Motion carried 10-1 by voice vote with SEN. ESP voting no.

Discussion:

03:23:47 Linda Stoll

03:24:54 Leanne Heisel

03:25:20 **Motion:** SEN. GILLAN moved that SB 527 DO PASS.

03:25:35 **Motion/Vote:** SEN. GILLAN moved that SB 527 BE AMENDED. Motion carried unanimously by voice vote.

03:25:52 **Motion/Vote:** SEN. GILLAN moved that SB 527 DO PASS AS AMENDED. Motion carried 10-1 by voice vote with SEN. O'NEIL voting no.

ADJOURNMENT

Adjournment: 6:38 P.M.

SEN. KIM GILLAN, Chairman

MARIGAIL SCHREINER, Secretary

KG/ms

Additional Exhibits:

EXHIBIT ([los40aad.pdf](#))