

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** Chairwoman Elsie Arntzen, on March 12, 2009 at  
3:00 P.M., in Room 172 Capitol

#### ROLL CALL

**Members Present:**

Rep. Elsie Arntzen, Chairwoman (R)  
Rep. Betsy Hands, Vice Chairwoman (D)  
Rep. Gary MacLaren, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Tom Berry (R)  
Rep. Robyn Driscoll (D)  
Rep. Bob Ebinger (D)  
Rep. Robin Hamilton (D)  
Rep. Pat Ingraham (R)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Scott Reichner (R)  
Rep. Michele Reinhart (D)  
Rep. Diane Sands (D)  
Rep. Gordon Vance (R)

**Members Excused:** Rep. Wanda Grinde (D)  
Rep. Wayne Stahl (R)

**Members Absent:** None

**Staff Present:** Katie Butcher, Committee Secretary  
Joe Kolman, Legislative Branch

**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: SB 305, SB 306, SB 345, SB 369  
Executive Action: HB 361, HB 455

**EXECUTIVE ACTION ON HB 361**

00:02:02 **Motion:** Rep. Hands moved that **HB 361 DO PASS.**  
**EXHIBIT (loh55a01)**

00:02:20 **Motion:** Rep. Hands moved that **HB 361 BE AMENDED.**  
**EXHIBIT (loh55a02)**

**Discussion:**

00:03:28 Joe Kolman, Legislative Services Division  
(Rep. Grinde arrived.)

00:09:13 Rep. Arntzen

00:09:34 Rep. Hands

00:09:39 Mr. Kolman

00:10:00 Rep. Arntzen

00:10:27 Rep. Hands

00:10:57 Rep. Vance

00:11:08 **Vote:** Motion carried 17-1 by voice vote with Rep. More  
voting no. Rep. Stahl voted by proxy.

00:11:28 **Motion:** Rep. Hands moved that **HB 361 DO PASS AS**  
**AMENDED.**

**Discussion:**

00:13:07 Rep. Vance

00:14:30 Rep. Ingraham

00:16:37 Rep. Reinhart

00:17:01 Rep. Hands

(Rep. Stahl arrived.)

00:18:52 Rep. More

00:18:56 **Vote:** Motion failed 9-9 by roll call vote with Rep.  
Becker, Rep. Driscoll, Rep. Ebinger, Rep. Grinde, Rep.  
Hamilton, Rep. Hands, Rep. Menahan, Rep. Reinhart, and  
Rep. Sands voting aye.

**EXECUTIVE ACTION ON HB 455**

00:19:59 **Motion:** Rep. Reinhart moved that **HB 455 DO PASS.**

00:20:05 **Motion:** Rep. Reinhart moved that **HB 455 BE AMENDED.**

**Discussion:**

00:21:52 Rep. Hands

00:23:42 Rep. Hamilton

00:23:46 **Vote:** Motion carried 15-3 by voice vote with Rep. Berry, Rep. More, and Rep. Stahl voting no.

00:24:04 **Motion:** Rep. Reinhart moved that **HB 455 DO PASS AS AMENDED.**

**Discussion:**

00:24:12 Rep. Ebinger

00:27:20 Rep. More

00:28:33 Rep. Bennett

00:30:20 Rep. Reichner

00:32:20 Rep. Stahl

00:35:49 Chairwoman Arntzen

00:36:02 Rep. Reinhart

00:38:08 Rep. Berry

00:38:11 **Vote:** Motion failed 9-9 by roll call vote with Rep. Becker, Rep. Driscoll, Rep. Ebinger, Rep. Grinde, Rep. Hamilton, Rep. Hands, Rep. Menahan, Rep. Reinhart, and Rep. Sands voting aye.

**HEARING ON SB 305**

**Opening Statement by Sponsor:**

00:39:44 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 305, Revise subdivision and platting act.

**Proponents' Testimony:**

00:42:13 Glenn Oppel, Montana Association of Realtors

**EXHIBIT (loh55a03)**

00:47:29 Dustin Stewart, Montana Building Industry Association

00:47:49 Joe Roberts, Montana Association of Registered Land Surveyors

00:48:12 Tim Davis, Montana Smart Growth Coalition

00:49:34 Charles Lapp

00:51:00 George Culepepper

**Opponents' Testimony:**

00:52:14 Linda Stoll, Montana Association of Planners

00:54:49 Myra Shults, Montana Association of Counties

00:56:32 Roger Millar, Missoula County Office of City Planning and Grants

00:57:06 Alec Hansen, Montana League of Cities and Towns

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:58:11 Rep. Driscoll  
00:58:23 Sen. Tutvedt  
00:58:39 Rep. Driscoll  
00:58:47 Sen. Tutvedt  
00:59:08 Mr. Davis  
00:59:50 Rep. Driscoll  
01:00:22 Sen. Tutvedt  
01:00:59 Rep. Reinhart  
01:01:18 Mr. Oppel  
01:01:41 Rep. Reinhart  
01:01:56 Mr. Oppel  
01:02:12 Rep. Reinhart  
01:02:17 Mr. Oppel  
01:02:39 Rep. Reinhart  
01:03:01 Mr. Oppel  
01:03:40 Rep. Hands  
01:04:42 Mr. Oppel  
01:05:17 Chairwoman Arntzen  
01:05:46 Mr. Millar  
01:07:51 Rep. Reichner  
01:08:55 Mr. Millar  
01:10:35 Rep. Vance  
01:10:52 Chairwoman Arntzen  
01:10:59 Mr. Hansen  
01:11:20 Rep. Reinhart  
01:11:51 Sen. Tutvedt

**Closing by Sponsor:**

01:13:17 Sen. Tutvedt  
  
01:14:16 Break  
01:28:45 Reconvene

**HEARING ON SB 345**

**Opening Statement by Sponsor:**

01:29:11 Sen. Bruce Tutvedt (R), SD 3, opened the hearing on SB 345, Revise zoning procedures for due process.

**Proponents' Testimony:**

01:32:01 Glenn Oppel, Montana Association of Realtors

**EXHIBIT (loh55a04)**

01:43:14 Jeff Larson

01:46:46 Rick Breckenridge, Kalispell, Montana

01:48:16 Dustin Stewart, Montana Building Industry Association

**Opponents' Testimony:**

01:50:43 Myra Shults, Montana Association of Counties

01:55:55 Roger Millar, Missoula County Office of City Planning  
and Grants

01:58:52 Tim Davis, Montana Smart Growth Coalition

02:00:39 Linda Stoll, Montana Association of Planners

02:03:58 Mike Harris, Gallatin County Open Lands Board

02:04:30 Liane Taylor, Helena, Montana

02:07:13 Bill Gallagher, Helena, Montana

02:09:32 Michael Fasbender, Helena, Montana

**EXHIBIT (loh55a05)****Informational Testimony:**

02:15:23 Charles Lapp

02:17:45 Don Seifert, Gallatin County Planning Board

**Questions from Committee Members and Responses:**

02:18:35 Rep. More

02:18:56 Chairwoman Becker

02:19:07 Mr. Larson

02:19:21 Mr. Breckenridge

02:19:39 Rep. Reinhart

02:19:58 Ms. Shults

02:20:23 Chairwoman Becker

02:20:39 Rep. Reinhart

02:20:57 Ms. Shults

02:21:20 Rep. Reinhart

02:21:42 Sen. Tutvedt

02:22:25 Rep. Reinhart

02:22:37 Sen. Tutvedt

02:22:48 Chairwoman Arntzen

02:22:50 Sen. Tutvedt

02:23:35 Chairwoman Arntzen

02:23:39 Sen. Tutvedt

02:24:42 Rep. Stahl

02:25:09 Mr. Millar

02:25:42 Rep. Stahl

02:25:50 Mr. Millar

02:26:13 Rep. Reinhart

[EXHIBIT \(loh55a06\)](#)

02:26:19 Rep. Vance

02:26:39 Mr. Seifert

**Closing by Sponsor:**

02:28:35 Sen. Tutvedt

02:30:23 Break

02:32:01 Reconvene

**HEARING ON SB 369**

**Opening Statement by Sponsor:**

02:32:23 Sen. John Esp (R), SD 31, opened the hearing on SB 369, Revise county process and penalties for violations of noxious weed laws.

[EXHIBIT \(loh55a07\)](#)

**Proponents' Testimony:**

02:37:10 Charles Lapp

02:38:11 Harold Blattie, Montana Association of Counties

02:39:50 Aimee Grmoljez, Burlington Northern Sante Fe Railroad

02:40:43 Rep. Reichner

02:40:44 Ms. Grmoljez

02:40:59 Chairwoman Arntzen

02:41:14 Pam Converse, Broadwater County Weed Coordinator

**Opponents' Testimony:** None

**Informational Testimony:**

02:42:09 David Burch, State Weed Coordinator, Department of Agriculture

**Questions from Committee Members and Responses:**

02:42:27 Rep. Ebinger

02:42:51 Sen. Esp

02:43:02 Rep. Ebinger

02:43:19 Sen. Esp

02:43:45 Rep. More

02:44:29 Sen. Esp

02:44:47 Rep. More

02:45:25 Sen. Esp

02:46:26 Rep. More

02:46:40 Sen. Esp  
02:46:53 Chairwoman Arntzen  
02:47:10 Sen. Esp  
02:47:20 Chairwoman Arntzen  
02:47:23 Sen. Esp  
02:47:39 Chairwoman Arntzen  
02:48:01 Sen. Esp  
02:48:22 Rep. Ingraham  
02:49:05 Sen. Esp

**Closing by Sponsor:**

02:49:48 Sen. Esp

**HEARING ON SB 306**

**Opening Statement by Sponsor:**

02:50:38 Sen. John Esp (R), SD 31, opened the hearing on  
SB 306, Definition of remainders.

[EXHIBIT \(loh55a08\)](#)

**Proponents' Testimony:**

02:56:53 Rick Breckenridge, Kalispell, Montana

02:59:37 Charles Lapp

[EXHIBIT \(loh55a09\)](#)

03:04:02 Joe Roberts, Montana Association of Registered Land  
Surveyors

03:04:45 Jeff Larson, Montana Environmental Consultants  
Organization

03:07:16 George Culepepper, Kalispell, Montana

**Opponents' Testimony:**

03:08:09 Charlotte Mills, Gallatin County Clerk and Recorder  
[EXHIBIT \(loh55a10\)](#)

03:12:09 Linda Stoll, Montana Association of Planners

03:14:17 Eric Semerad, Gallatin County Recording Supervisor

03:18:38 Roger Millar, Missoula County Office of City Planning  
and Grants

**Informational Testimony:**

03:18:59 Tim Davis, Montana Smart Growth Coalition

03:19:42 Myra Shults, Montana Association of Counties

**Questions from Committee Members and Responses:**

03:22:02 Rep. Ingraham  
03:22:24 Sen. Esp  
03:22:48 Rep. Ebinger  
03:23:07 Chairwoman Arntzen  
03:23:09 Sen. Esp  
03:23:26 Rep. Reinhart  
03:24:00 Ms. Mills  
03:24:23 Rep. Reinhart  
03:24:36 Mr. Semerad  
03:25:01 Rep. Reinhart  
03:25:19 Sen. Esp  
03:26:51 Rep. Reinhart  
03:27:00 Sen. Esp  
03:27:23 Rep. Reinhart  
03:27:31 Sen. Esp  
03:27:38 Rep. Reinhart  
03:27:42 Sen. Esp  
03:27:46 Rep. Stahl  
03:28:50 Ms. Shults  
03:32:10 Rep. Stahl  
03:32:44 Ms. Shults  
03:32:45 Rep. Stahl  
03:32:48 Ms. Shults

**Closing by Sponsor:**

03:33:28 Sen. Esp

**ADJOURNMENT**

03:34:55 Adjournment

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Katie Butcher, Secretary

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**EXHIBIT (loh55a11)** Correspondence from Greg McNally regarding SB  
306,  
SB 305 and SB 345.

Additional Documents:

**EXHIBIT (loh55aad.pdf)**