

MINUTES

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

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairwoman Elsie Arntzen, on March 26, 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. Robyn Driscoll (D)
Rep. Wanda Grinde (D)
Rep. Robin Hamilton (D)
Rep. Pat Ingraham (R)
Rep. Scott Reichner (R)
Rep. Michele Reinhart (D)
Rep. Gordon Vance (R)

Members Excused: Rep. Tom Berry (R)
Rep. Bob Ebinger (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Diane Sands (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 310

Executive Action: Introducing LC 2335, SB 305,
SB 369, SB 306, SB 310, SB 9, SB 8,
HB 361, SB 345, SB 411, SB 482

00:00:00 Call to order
00:01:41 Rep. Ingraham
EXHIBIT (loh67a01)
00:01:54 Rep. Menahan, Rep. Berry, Rep. More and Rep. Stahl
arrived.
00:02:09 Rep. Ingraham
00:04:10 Chairwoman Arntzen
00:04:32 Rep. Reichner
00:04:45 Rep. Bennett
00:04:57 Rep. Ebinger arrived.
00:05:21 Joe Kolman, Legislative Services Division
00:05:48 Rep. Sands arrived.
00:05:56 Rep. Menahan
00:06:56 Rep. Ingraham
00:07:24 Rep. Berry
00:07:40 Mr. Kolman
00:08:01 Rep. Stahl

00:08:44 **Motion/Vote:** Rep. Ingraham moved to **INTRODUCE THE
COMMITTEE BILL.** Motion carried 17-1 by voice vote with
Rep. Reichner voting no.

HEARING ON SB 310

Opening Statement by Sponsor:

00:10:10 Sen. Jim Shockley (R), SD 45, opened the hearing on
SB 310, Restricting use of waiver of right to protest
SID, RSID.

Proponents' Testimony:

00:12:39 Alec Hansen, League of Cities and Towns
00:15:41 Will Deschamps
00:21:12 Linda Frey, Missoula, Montana
EXHIBIT (loh67a02)
00:26:09 Dick Hanes, Missoula City Council
00:30:06 Marsha Frey, Missoula, Montana

Opponents' Testimony:

00:32:57 Tim Davis, Montana Smart Growth Coalition
00:34:14 Harold Blattie, Montana Association of Counties

Informational Testimony: None

Questions from Committee Members and Responses:

00:35:03 Rep. Reinhart

00:36:03 Mr. Hansen
00:38:32 Rep. Ingraham
00:39:20 Sen. Shockley
00:40:13 Rep. Hands
00:40:42 Mr. Davis

Closing by Sponsor:

00:42:46 Sen. Shockley
00:46:00 Rep. MacLaren left.

EXECUTIVE ACTION ON SB 8

00:46:32 **Motion:** Rep. Hands moved that **SB 8 BE CONCURRED IN.**

00:46:38 **Motion/Vote:** Rep. Reinhart moved that **SB 8 BE AMENDED.**
Motion carried unanimously by voice vote. Rep. MacLaren
voted by proxy.

EXHIBIT (loh67a03)

00:49:09 **Motion:** Rep. Hands moved that **SB 8 BE CONCURRED IN AS
AMENDED.**

00:49:13 **Motion:** Rep. Stahl moved that **SB 8 BE AMENDED.**

EXHIBIT (loh67a04)

Discussion:

00:50:16 Mr. Kolman
00:50:47 Rep. Reinhart left.
00:51:32 Rep. Stahl

00:52:42 **Vote:** Motion carried unanimously by voice vote.
Rep. MacLaren and Rep. Reinhart voted by proxy.

00:53:06 **Motion:** Rep. Hands moved that **SB 8 BE CONCURRED IN AS
AMENDED.**

Discussion:

00:53:27 Chairwoman Arntzen
00:53:51 Rep. Ingraham
00:54:11 Rep. Stahl
00:54:33 Chairwoman Arntzen

00:54:45 **Vote:** Motion carried unanimously by voice vote.
Rep. MacLaren and Reinhart voted by proxy. Rep. Stahl
will carry the bill.

EXECUTIVE ACTION ON SB 306

00:55:29 **Motion:** Rep. Berry moved that **SB 306 BE CONCURRED IN.**

00:55:51 **Motion:** Rep. Berry moved that **SB 306 BE AMENDED.**

Discussion:

00:55:53 Mr. Kolman

00:56:14 Rep. Reinhart arrived.

00:56:19 Rep. Berry withdrew his motion without objection.

00:56:24 **Motion:** Rep. Berry moved that **SB 306 BE AMENDED.**
EXHIBIT (loh67a05)

Discussion:

00:56:43 Mr. Kolman

00:57:45 Rep. Stahl

00:57:53 Mr. Kolman

00:58:09 Rep. More

00:59:14 Rep. Reinhart

01:01:17 Rep. Vance

01:01:39 Mr. Davis

01:03:00 Chairwoman Arntzen

01:03:11 Mr. Davis

01:04:55 Sen. John Esp, SD 31, Big Timber

01:04:56 Chairwoman Arntzen

01:05:07 Sen. Esp

01:06:29 Chairwoman Arntzen

01:06:50 Sen. Esp

01:07:03 Rep. Berry

01:07:43 Rep. Vance

01:08:15 Rep. Reichner

01:08:50 Rep. More

01:09:11 Rep. Reichner

01:09:45 **Vote:** Motion carried 17-1 by voice vote with Rep. Reinhart voting no. Rep. MacLaren voted by proxy.

01:10:05 **Motion:** Rep. Berry moved that **SB 306 BE CONCURRED IN AS AMENDED.**

Discussion:

01:10:22 Rep. Ingraham

01:11:18 Rep. Vance

01:11:25 Mr. Davis

01:11:53 Rep. Ingraham
01:12:04 Mr. Blattie
01:12:07 Rep. Ingraham
01:12:14 Mr. Blattie
01:12:40 Rep. Reinhart

01:13:03 **Vote:** Motion carried 12-6 by voice vote with Rep. Driscoll, Rep. Grinde, Rep. Hands, Rep. Menahan, Rep. Reinhart, and Rep. Sands voting no. Rep. MacLaren voted by proxy. Rep. Vance will carry the bill.

01:13:43 Sen. Esp
01:14:04 Rep. Ingraham
01:14:23 Sen. Esp

EXECUTIVE ACTION ON SB 369

01:14:50 **Motion:** Rep. Hands moved that **SB 369 BE CONCURRED IN.**

Discussion:

01:15:02 Rep. Vance
01:15:05 Mr. Kolman

[EXHIBIT\(loh67a06\)](#)

[EXHIBIT\(loh67a07\)](#)

01:15:39 **Motion:** Rep. Stahl moved that **SB 369 BE AMENDED**
(refer to exhibit 6).

Discussion:

01:15:53 Mr. Kolman

01:16:27 **Vote:** Motion carried unanimously by voice vote.
Rep. MacLaren voted by proxy.

01:16:41 **Motion:** Rep. Berry moved that **SB 369 BE CONCURRED IN AS AMENDED.**

01:16:51 **Motion:** Rep. More moved that **SB 369 BE AMENDED**
(refer to exhibit 7).

Discussion:

01:17:56 Rep. Hands
01:18:38 Rep. More
01:19:04 Rep. Hands
01:19:16 Rep. More

01:19:49 **Vote:** Motion carried 17-1 by voice vote with Rep. Driscoll voting no. Rep. MacLaren voted by proxy.

01:20:14 **Motion:** Rep. Berry moved that **SB 369 BE CONCURRED IN AS AMENDED.**

Discussion:

01:20:24 Rep. Ingraham

01:21:22 Rep. Vance

01:21:48 **Vote:** Motion carried unanimously by voice vote. Rep. MacLaren voted by proxy. Rep. More will carry the bill.

EXECUTIVE ACTION ON SB 305

01:22:38 **Motion:** Rep. Ingraham moved that **SB 305 BE CONCURRED IN.**

01:23:01 **Motion:** Rep. Reinhart moved that **SB 305 BE AMENDED. [EXHIBIT \(loh67a08\)](#)**

Discussion:

01:23:29 Mr. Kolman

01:25:45 Rep. Hands

01:26:12 Mr. Kolman

01:26:29 Mr. Davis

01:27:07 Rep. Hands

01:28:10 **Vote:** Motion carried unanimously by voice vote. Rep. MacLaren voted by proxy.

01:28:21 **Motion:** Rep. Berry moved that **SB 305 BE CONCURRED IN AS AMENDED.**

01:28:31 **Motion:** Rep. Stahl moved that **SB 305 BE AMENDED. [EXHIBIT \(loh67a09\)](#)**

Discussion:

01:29:14 Mr. Kolman

01:30:15 Rep. Reichner

01:30:18 Rep. Stahl

01:30:30 Rep. Reinhart

01:31:10 **Vote:** Motion carried 11-7 by voice vote with Rep. Arntzen, Rep. Berry, Rep. Ingraham, Rep. Menahan, Rep. More, Rep. Reichner, and Rep. Vance voting no. Rep. MacLaren voted by proxy.

01:31:44 **Motion:** Rep. Berry moved that **SB 305 BE CONCURRED IN AS AMENDED.**

Discussion:

01:32:01 Rep. Reinhart
01:32:39 Rep. Reichner
01:33:17 Mr. Kolman
01:33:39 Rep. Reichner
01:33:52 Mr. Kolman
01:34:05 Rep. Reichner
01:34:13 Rep. Stahl
01:34:46 Rep. Reichner
01:35:14 Rep. Stahl
01:36:07 Rep. Ingraham
01:36:11 Rep. More
01:37:01 Mr. Kolman
01:37:26 Rep. Reinhart

01:38:02 **Vote:** Motion carried 13-5 by voice vote with Rep. Berry, Rep. Grinde, Rep. More, Rep. Reichner, and Rep. Vance voting no. Rep. MacLaren voted by proxy. Rep. MacLaren will carry the bill.

01:39:10 Rep. Reinhart

EXECUTIVE ACTION ON SB 345

01:39:47 Rep. Reichner

01:40:13 **Motion:** Rep. Berry moved that **SB 345 BE CONCURRED IN.**

Discussion:

01:40:32 Rep. Arntzen
EXHIBIT (loh67a10)
01:41:04 Mr. Kolman

01:44:24 **Motion:** Rep. Berry moved that **SB 345 BE AMENDED** (refer to exhibit 10).

Discussion:

01:44:43 Rep. Vance

01:45:05 **Vote:** Motion carried 12-8 by voice vote with Rep. Becker, Rep. Driscoll, Rep. Grinde, Rep. Hamilton, Rep. Hands, Rep. Menahan, Rep. Reinhart, and Rep. Sands voting no. Rep. MacLaren voted by proxy.

01:45:48 **Motion:** Rep. Berry moved that **SB 345 BE CONCURRED IN AS AMENDED.**

Discussion:

01:46:00 Rep. Hands
 01:46:01 Rep. More left.
 01:46:45 Rep. Reinhart
 01:48:11 Rep. Ingraham
 01:49:15 Rep. Stahl
 01:50:56 Chairwoman Arntzen
 01:51:27 Rep. Reinhart
 01:51:43 Chairwoman Arntzen

01:52:09 **Vote:** Motion failed 6-12 by voice vote with Rep. Arntzen, Rep. Bennett, Rep. More, Rep. Reichner, Rep. Stahl, and Rep. Vance voting aye. Rep. More and Rep. MacLaren voted by proxy.

01:53:02 **Motion/Vote:** Rep. Reinhart moved that **SB 345 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. More and Rep. MacLaren voted by proxy.

01:53:05 Rep. More arrived.

EXECUTIVE ACTION ON SB 9

01:53:23 **Motion:** Rep. Hamilton moved that **SB 9 BE CONCURRED IN.**

Discussion:

01:53:46 Mr. Kolman
 01:54:29 Rep. Ingraham
 01:54:44 Rep. Becker
 01:55:22 Rep. Ingraham
 01:55:56 Rep. Hamilton
 01:56:26 Rep. Stahl
 01:56:36 Rep. Becker
 01:57:07 Chairwoman Arntzen

01:57:32 **Vote:** Motion carried 13-5 by voice vote with Rep. Bennett, Rep. Ingraham, Rep. MacLaren, Rep. Reichner, and Rep. Vance voting no. Rep. MacLaren voted by proxy. Rep. Hamilton will carry the bill.

01:58:09 Rep. Vance
01:58:29 Mr. Kolman
01:59:04 Rep. Ingraham
01:59:12 Rep. Ebinger
01:59:20 Mr. Kolman
01:59:41 Rep. Hands
01:59:51 Chairwoman Arntzen
02:00:02 Mr. Kolman

EXECUTIVE ACTION ON SB 310

02:00:09 **Motion:** Rep. Reinhart moved that **SB 310 BE CONCURRED IN.**

02:00:20 **Motion:** Rep. Reinhart moved that **SB 310 BE AMENDED. EXHIBIT (loh67a11)**

Discussion:

02:01:24 Rep. Ingraham
02:01:46 Rep. Stahl
02:02:02 Rep. Vance
02:02:12 Rep. Hands
02:03:00 Rep. Hamilton
02:03:07 Rep. More
02:03:15 Rep. Reinhart
02:04:14 Rep. Stahl
02:04:43 Rep. Reinhart
02:05:18 Rep. Hands
02:06:07 Chairwoman Arntzen
02:06:21 Rep. Reinhart
02:06:52 Rep. Ebinger
02:07:22 Rep. Hands
02:08:00 Rep. Menahan
02:09:01 Rep. Vance
02:09:19 Rep. Reinhart
02:09:56 Rep. Vance

02:10:15 **Motion/Vote:** Rep. Reinhart moved that **SB031001.AJK BE AMENDED.** (Refer to exhibit 11.) Motion carried 16-2 by voice vote with Rep. Reichner and Rep. Stahl voting no. Rep. MacLaren voted by proxy. (This vote was on both motions.)

02:11:11 **Motion/Vote:** Rep. Berry moved that **SB 310 BE CONCURRED IN AS AMENDED.** Motion carried 17-1 by voice vote with Rep. Driscoll voting no. Rep. MacLaren voted by proxy. Rep. MacLaren will carry the bill.

EXECUTIVE ACTION ON SB 411

02:13:03 **Motion:** Rep. Berry moved that **SB 411 BE CONCURRED IN.**

Discussion:

02:13:27 Mr. Kolman

EXHIBIT (loh67a12)

02:13:49 Rep. Vance left.

02:14:21 **Motion/Vote:** Rep. Berry moved that **SB 411 BE AMENDED.** Motion carried 16-2 by voice vote with Rep. Hands and Rep. Reinhart voting no. Rep. MacLaren and Rep. Vance voted by proxy. (refer to exhibit 12.)

02:15:04 **Motion:** Rep. Berry moved that **SB 411 BE CONCURRED IN AS AMENDED.**

Discussion:

02:15:12 Rep. Hands

02:15:55 Rep. Ingraham

02:16:06 Rep. Vance arrived.

02:16:58 Rep. Reinhart

02:17:52 Rep. Stahl

02:18:03 Mr. Kolman

02:18:49 **Vote:** Motion failed 8-10 by voice vote with Rep. Arntzen, Rep. Bennett, Rep. Ingraham, Rep. MacLaren, Rep. More, Rep. Reichner, Rep. Stahl, and Rep. Vance voting aye. Rep. MacLaren voted by proxy.

02:19:30 **Motion/Vote:** Rep. Sands moved that **SB 411 BE TABLED AND THE VOTE REVERSED.** Motion carried unanimously by voice vote. Rep. MacLaren voted by proxy.

EXECUTIVE ACTION ON SB 482

02:19:48 **Motion:** Rep. Berry moved that **SB 482 BE CONCURRED IN.**

Discussion:

02:20:25 Rep. Hamilton

02:21:08 Chairwoman Arntzen

02:21:31 Rep. Reinhart

02:22:45 Rep. Ingraham

02:23:31 Chairwoman Arntzen

02:24:16 **Vote:** Motion failed 6-12 by voice vote with Rep. Arntzen, Rep. Bennett, Rep. More, Rep. Reichner, Rep. Stahl, and Rep. Vance voting aye. Rep. MacLaren voted by proxy.

02:24:37 **Motion/Vote:** Rep. Reinhart moved that **SB 482 BE TABLED AND THE VOTE REVERSED**. Motion carried unanimously by voice vote. Rep. MacLaren voted by proxy.

EXECUTIVE ACTION ON HB 361

02:25:09 **Motion:** Rep. Hands moved that **HB 361 DO PASS**.
EXHIBIT(loh67a13)

Discussion:

02:25:48 Mr. Kolman
02:26:03 Rep. Hands
02:28:18 Rep. Berry
02:28:24 Rep. Hands
02:28:29 Rep. Berry
02:28:31 Rep. Hands
02:28:45 Mr. Kolman
02:29:08 Chairwoman Arntzen
02:29:15 Mr. Kolman

EXHIBIT(loh67a14) These amendments were passed on 3/12/2009. The bill then failed on a 9-9 vote.

02:29:38 Rep. Hands
02:29:52 Chairwoman Arntzen
02:29:56 Mr. Kolman
02:31:51 Chairwoman Arntzen

02:32:03 **Vote:** Motion carried 11-7 by roll call vote with Rep. Arntzen, Rep. Bennett, Rep. Ingraham, Rep. MacLaren, Rep. More, Rep. Reichner, and Rep. Vance voting no. Rep. MacLaren voted by proxy.

02:33:02 Rep. Reinhart
EXHIBIT(loh67a15)
02:33:49 Rep. Reichner
02:34:34 Chairwoman Arntzen
02:35:15 Rep. Reinhart
02:35:58 Rep. Vance
02:36:15 Chairwoman Arntzen
02:36:18 Mr. Kolman
02:36:38 Chairwoman Arntzen

EXECUTIVE ACTION ON A SUBCOMMITTEE ON LAND USE PLANNING

02:36:55 **Motion:** Rep. Reinhart moved **THAT A SUBCOMMITTEE BE FORMED FOR THE PURPOSE OF PRODUCING A COMMITTEE BILL REGARDING A STUDY OF LAND USE PLANNING.**

Discussion:

02:37:16 Mr. Kolman

02:37:30 Rep. Reinhart

02:37:37 **Vote:** Motion carried unanimously by voice vote.

02:37:54 Rep. Ebinger

ADJOURNMENT

02:38:07 Adjournment

Katie Butcher, Secretary

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Additional Documents:

EXHIBIT ([loh67aad.pdf](#))