

MINUTES

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chairman John Esp, on March 27, 2009 at 3:00 P.M.,
in Room 405 Capitol

ROLL CALL

Members Present:

Sen. John Esp, Chairman (R)
Sen. Jeff Essmann, Vice Chairman (R)
Sen. Gregory D. Barkus (R)
Sen. Steven Gallus (D)
Sen. Kim Gillan (D)
Sen. Verdell Jackson (R)
Sen. Jesse Laslovich (D)
Sen. Bruce Tutvedt (R)

Members Excused: Sen. Ron Erickson (D)

Members Absent: None

Staff Present: Leanne Heisel, Legislative Branch
Debra Polhemus, 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: NONE

Executive Action:

TABLED:

SB 522
SB 608

DO CONCUR AS AMENDED:

SB 420
SB 630
SB 486

CONTINUED EXECUTIVE ACTION ON HB 420

(Previous executive action on March 25, 2009)

00:00:45 **Motion/Vote:** Sen. Essmann moved to **RECONSIDER PREVIOUS ACTION on SB 420**. Motion carried unanimously by voice vote of those present and voting.

00:01:23 **Motion:** Sen. Essmann moved that **HB 420 BE AMENDED. EXHIBIT (los68a01)**

Discussion:

00:02:29 Chairman Esp

00:02:52 **Vote:** Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.

00:03:12 **Motion/Vote:** Sen. Essmann moved that **HB 420 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote with Sen. Erickson voting by proxy. Sen. Erickson will carry HB 420.

Committee Business:

00:03:59 Sen. Gillan (Introduction of guests)

EXECUTIVE ACTION ON HB 630

00:04:54 **Motion:** Sen. Essmann moved that **HB 630 BE CONCURRED IN**.

00:05:30 **Motion:** Sen. Essmann moved that **HB 630 BE AMENDED. EXHIBIT (los68a02)**

Discussion:

00:06:11 Chairman Esp

00:07:11 Sen. Gillan

00:07:54 Chairman Esp

00:08:59 John MacDonald, City of Missoula

00:11:06 Sen. Barkus

00:12:00 John MacDonald, Missoula

00:14:10 Sen. Essmann

00:15:45 Sen. Barkus

00:15:52 Chairman Esp

00:16:40 Sen. Essmann

00:17:27 Sen. Gillan

00:17:36 Sen. Gallus left committee meeting

00:18:17 Chairman Esp

00:18:55 **Vote:** Motion carried 5-4 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting no with Sen. Gallus and Erickson voting by proxy.

00:19:38 **Motion/Vote:** Sen. Essmann moved that **HB 630 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote with Sens. Gallus and Erickson voting by proxy. Chairman Esp will carry HB 630.

EXECUTIVE ACTION ON HB 486

00:22:11 **Motion:** Sen. Essmann moved that **HB 486 BE CONCURRED IN**.

00:22:21 **Motion:** Sen. Essmann moved that **HB 486 BE AMENDED. EXHIBIT (los68a03)**

Discussion:

00:23:19 Chairman Esp

00:26:33 Sen. Gillan

00:26:46 Chairman Esp

00:26:58 **Vote:** Motion carried unanimously by voice vote with Sens. Gallus and Erickson voting by proxy. (NOTE: While Sen. Erickson's proxy vote was an "aye", Sen. Erickson requested at the March 30, 2009, Senate Local Government meeting that this vote be changed to a "no" vote. There was no objection from the committee to this request and the change did not affect the outcome.) Thus, the adjusted minutes will read:

00:26:58 **Vote:** Motion carried 8-1 by voice vote with Sen. Erickson voting no by proxy.

00:28:07 **Motion:** Sen. Essmann moved that **HB 486 BE AMENDED. EXHIBIT (los68a04)**

Discussion:

00:28:36 Chairman Esp

00:29:17 Sen. Tutvedt

00:29:35 Sen. Gillan

00:29:56 **Vote:** Motion failed 2-7 by voice vote with Sens. Esp and Sen. Essmann voting aye and Sens. Gallus and Erickson voting by proxy.

00:30:36 Sen. Gallus returned to committee meeting

00:30:55 **Motion/Vote:** Sen. Gillan moved that **HB 486 BE AMENDED.**
Motion carried unanimously by voice vote with Sen.
Erickson voting by proxy.

[EXHIBIT\(los68a05\)](#)

00:33:25 **Motion:** Sen. Gillan moved that **HB 486 BE AMENDED.**

[EXHIBIT\(los68a06\)](#)

Discussion:

00:33:53 Sen. Gillan

00:35:03 Chairman Esp

00:35:20 Leanne Heisel, Legislative Services Division (LSD)

00:35:32 **Vote:** Motion carried unanimously by voice vote with
Sen. Erickson voting by proxy.

00:36:28 **Motion:** Sen. Jackson moved that **HB 486 BE AMENDED.**

[EXHIBIT\(los68a07\)](#)

Discussion:

00:36:58 Sen. Jackson

00:37:15 Chairman Esp

00:37:39 Tim Davis, representing Montana Smart Growth Coalition
(MSGC)

00:38:24 **Vote:** Motion failed 1-8 by voice vote with Sen.
Jackson voting aye and Sen. Erickson voting by proxy.

00:38:58 **Motion:** Sen. Essmann moved that **HB 486 BE CONCURRED IN
AS AMENDED.**

00:40:35 **Motion:** Sen. Essmann moved that **HB 486 BE AMENDED WITH
A CONCEPTUAL AMENDMENT** to change the time period from 4
months to 6 months.

Discussion:

00:41:19 Sen. Gillan

00:42:03 Tim Davis, MSGC

00:43:05 Sen. Gillan

00:43:26 Sen. Essmann

00:43:56 Sen. Laslovich

00:44:15 Sen. Essmann

00:44:23 Sen. Laslovich

00:44:59 Sen. Gillan

00:45:20 Leanne Heisel, LSD

00:45:52 Sen. Gillan

00:46:27 **Vote:** Motion carried 7-2 by voice vote with Sens. Erickson and Gillan voting no with Sen. Erickson voting by proxy.

00:47:08 **Motion:** Sen. Essmann moved that **HB 486 BE CONCURRED IN AS AMENDED.**

Discussion:

00:47:20 Sen. Gillan
00:47:35 Chairman Esp

00:47:44 **Vote:** Motion carried unanimously by voice vote with Sen. Erickson voting by proxy. Sen. Esp will carry HB 486.

EXECUTIVE ACTION ON HB 608

00:48:51 **Motion:** Sen. Gallus moved that **HB 608 BE CONCURRED IN.**

00:49:00 **Motion:** Sen. Gallus moved that **HB 608 BE AMENDED.**
EXHIBIT(los68a08)

Discussion:

00:49:26 Leanne Heisel
00:49:52 Sen. Gallus
00:50:41 Sen. Essmann
00:51:29 Sen. Gallus

00:53:03 **Vote:** Motion carried unanimously by voice vote with Sen. Erickson voting by proxy.

00:53:21 **Motion:** Sen. Gallus moved that **HB 608 BE CONCURRED IN AS AMENDED.**

Discussion:

00:53:30 Sen. Tutvedt
00:53:50 Sen. Gallus
00:54:59 Sen. Tutvedt
00:55:21 Sen. Laslovich
00:56:15 Chairman Esp
00:58:00 Sen. Gallus
00:59:25 Sen. Essmann
01:00:38 Sen. Gallus
01:00:49 Chairman Esp

01:01:04 **Vote:** Motion failed 4-5 by roll call vote with Sens. Erickson, Gallus, Gillan, and Laslovich voting aye and Sen. Erickson voting by proxy. Without objection from the committee, Chairman Esp requested that the bill be tabled and the vote reversed.

Committee Business:

01:02:43 Chairman Esp

EXECUTIVE ACTION ON HB 522

01:03:32 **Motion:** Sen. Laslovich moved that **HB 522 BE CONCURRED IN.**

01:04:26 **Motion:** Sen. Gillan moved that **HB 522 BE AMENDED.**
EXHIBIT(los68a09)

Discussion:

01:04:54 Leanne Heisel

01:05:22 **Vote:** Motion carried 8-1 by voice vote with Sen. Gallus voting no with Sen. Erickson voting by proxy.

Discussion:

01:05:55 Chairman Esp

01:06:30 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **HB 522 BE TABLED.** Substitute motion carried 6-3 by roll call vote with Sens. Erickson, Gallus, and Laslovich voting no and Sen. Erickson voting by proxy.

Committee Business:

01:07:44 Chairman Esp

ADJOURNMENT

Adjournment: 4:40 P.M.

Debra Polhemus, Secretary

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Additional Documents:

EXHIBIT ([los68aad.pdf](#))