

MINUTES

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

CONFERENCE COMMITTEE ON SENATE AMENDMENTS TO HOUSE BILL 486

Call to Order: Chairman Kim Gillan, on April 15, 2009 at 11:30
A.M., in Room 350 Capitol

ROLL CALL

Members Present:

Sen. Kim Gillan, Chairman (D)
Rep. Michele Reinhart, Chairman (D)
Rep. Bob Ebinger (D)
Sen. John Esp (R)
Rep. Gary MacLaren (R)
Sen. Bruce Tutvedt (R)
Rep. Gordon Vance (R)

Members Excused: None

Members Absent: None

Staff Present: Nadine Spencer, Committee Secretary
Leanne Heisel, Legislative Services

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:

Executive Action: HB 486

EXECUTIVE ACTION ON HB 486

00:00:28 Chairman Gillan
00:01:10 Leanne Heisel
00:03:30 Chairman Gillan

00:03:31 **Motion:** Rep. MacLaren moved **THE SENATE AMENDMENTS BE
ACCEPTED.**

EXHIBIT (ccs80hb0486a01)

Discussion:

00:03:47 Leanne Heisel
00:05:15 Chairman Gillan
00:05:19 Rep. MacLaren
00:05:43 Chairman Gillan
00:05:47 Sen. Esp
00:06:35 Chairman Gillan
00:06:42 Rep. Reinhart
00:07:45 Chairman Gillan
00:07:56 Rep. Reinhart
00:08:22 Sen. Esp
00:09:49 Rep. MacLaren
00:10:32 Sen. Tutvedt
00:12:01 Rep. Ebinger
00:12:29 Chairman Gillan
00:12:53 Rep. MacLaren
00:13:04 Sen. Esp
00:13:25 Chairman Gillan
00:13:58 Rep. Reinhart
00:14:26 Sen. Esp
00:15:18 Rep. Vance
00:15:38 Chairman Gillan
00:15:51 Rep. MacLaren
00:15:55 Leanne Heisel
00:16:39 Sen. Esp
00:17:01 Sen. Tutvedt
00:17:37 Chairman Gillan

00:17:55 recess
00:22:57 reconvene

00:23:01 Chairman Gillan

00:23:13 Rep. MacLaren withdrew his motion.

00:23:31 **Motion:** Sen. Tutvedt moved that (Senate Amendments to)
**HB 486 BE AMENDED BY STRIKING SECTIONS 6, 7 AND 26 IN
THEIR ENTIRETY.**

EXHIBIT (ccs80hb0486a02)

Discussion:

00:24:10 Leanne Heisel
00:24:21 Rep. Vance
00:24:40 Chairman Gillan
00:25:04 Sen. Esp
00:26:01 Rep. Reinhart
00:26:21 Sen. Esp
00:26:42 Leanne Heisel
00:26:55 Sen. Esp
00:27:12 Rep. MacLaren
00:27:17 Chairman Gillan
00:27:21 Sen. Esp
00:27:38 Sen. Tutvedt

00:27:45 **Vote:** Motion carried 6-1 by roll call vote with Sen.
Esp voting no.

00:28:43 **Motion:** Rep. MacLaren moved that (Senate Amendments
to) HB 486 (Exhibit 1) **BE AMENDED** and moved a
**CONCEPTUAL AMENDMENT KEEPING SECTION 2, BUT CHANGING
THE APPLICABILITY REGARDING NEW GROWTH POLICIES OR
REVISIONS TO GROWTH POLICIES.**

Discussion:

00:29:35 Chairman Gillan
00:29:53 Leanne Heisel
00:30:18 Chairman Gillan
00:30:24 Leanne Heisel

00:30:30 **Substitute Motion:** Sen. Esp moved to **SEGREGATE SECTION
2 FROM THE REST OF THE** (Senate) **AMENDMENT.**

Discussion:

00:30:47 Chairman Gillan
00:31:18 Rep. Reinhart
00:31:50 Sen. Esp
00:32:03 Chairman Gillan

00:32:23 **Vote:** Motion carried unanimously by roll call vote.

Discussion:

00:32:55 Chairman Gillan
00:33:21 Rep. Vance
00:33:30 Chairman Gillan
00:33:43 Leanne Heisel
00:33:52 Chairman Gillan
00:34:00 Rep. MacLaren
00:34:05 Leanne Heisel
00:34:20 Chairman Gillan
00:34:33 Leanne Heisel
00:35:03 Chairman Gillan
00:35:08 Sen. Tutvedt
00:35:14 Chairman Gillan
00:35:16 Leanne Heisel
00:36:13 Chairman Gillan
00:36:19 Sen. Esp
00:36:43 Leanne Heisel
00:37:03 Chairman Gillan
00:37:42 Rep. MacLaren
00:38:02 Chairman Gillan
00:38:23 Sen. Esp
00:39:01 Rep. MacLaren
00:39:09 Sen. Esp
00:39:24 Chairman Gillan

00:39:27 **Motion:** Sen. Esp moved to **SEGREGATE AMENDMENT 9 OF**
(Senate Amendments to) **HB 486** (Exhibit 1) **AND TO**
INCLUDE THE WORDS "ADJACENT TO PUBLIC RIGHTS OF WAY."

00:39:32 Chairman Gillan

00:40:24 **Vote:** Motion carried unanimously by roll call vote.

00:40:55 Chairman Gillan

00:41:15 **Motion:** Rep. MacLaren moved **AMENDMENTS 10, 11 AND 12**
OF (Senate Amendments to) **HB 486** (Exhibit 1).

Discussion:

00:41:30 Chairman Gillan
00:41:50 Leanne Heisel

00:42:07 **Substitute Motion:** Chairman Gillan moved a **SUBSTITUTE**
MOTION TO ADOPT ONLY AMENDMENT 10 (of the Senate
Amendments).

00:42:18 **Vote:** Motion carried unanimously by roll call vote.

00:42:50 **Motion:** Rep. MacLaren moved **AMENDMENTS 11 AND 12 OF**
(the Senate Amendments to) **HB 486** (Exhibit 1).

Discussion:

00:43:02 Chairman Gillan
00:43:10 Sen. Esp
00:43:54 Rep. Reinhart

00:45:46 **Substitute Motion:** Sen. Esp moved to **SEGREGATE**
AMENDMENT 11 AND AMEND SUBSECTION 2 OF SECTION 12 TO
READ "EXCEPT IN THE CASE OF IMMINENT DANGER TO PUBLIC
HEALTH, SAFETY AND WELFARE THE COUNTY SHALL
ATTEMPT...".

Discussion:

00:46:08 Rep. Reinhart
00:46:12 Sen. Esp
00:46:18 Rep. Reinhart
00:46:19 Sen. Esp
00:46:46 Chairman Gillan
00:47:06 Leanne Heisel
00:47:28 Rep. Reinhart
00:48:21 Chairman Gillan
00:49:36 Rep. Reinhart
00:50:20 Sen. Esp
00:51:27 Rep. Vance
00:51:48 Sen. Tutvedt
00:52:16 Chairman Gillan
00:52:23 Sen. Esp
00:52:32 Rep. Ebinger
00:52:47 Sen. Esp
00:53:02 Rep. Reinhart
00:53:19 Chairman Gillan
00:53:24 Sen. Esp
00:53:39 Chairman Gillan

Public Comment:

00:53:56 Linda Stoll, Montana Association of Planners (MAP)
00:55:12 Chairman Gillan
00:55:21 Linda Stoll
00:55:51 Chairman Gillan
00:55:58 Sen. Esp
00:56:06 Chairman Gillan
00:56:12 John MacDonald, City of Missoula
00:56:37 Chairman Gillan
00:56:46 Sen. Esp

00:57:29 Rep. Reinhart
00:58:01 Sen. Esp
00:58:23 Chairman Gillan
00:58:28 Sen. Esp
00:58:36 Leanne Heisel

00:58:50 **Substitute Motion:** Sen. Esp moved a **CONCEPTUAL AMENDMENT** (to the Senate Amendments) to **ADD ON LINE 14 IN SECTION 12 "FOR THE PURPOSES OF ENFORCING SUBSECTIONS (1) (A) THROUGH (1) (C) THE COUNTY SHALL ATTEMPT..."**.

Discussion:

00:58:58 Rep. Reinhart
00:59:15 Sen. Esp
00:59:39 Rep. Reinhart
01:00:10 Sen. Esp
01:00:19 Rep. Reinhart
01:00:27 Sen. Esp
01:01:06 Chairman Gillan
01:02:07 Rep. Reinhart
01:02:42 Chairman Gillan
01:03:14 Rick Hill, Montana Building Industry Association (MBIA)

01:03:21 **Vote:** Motion carried 6-1 by roll call vote with Rep. Reinhart voting no.

01:04:00 Chairman Gillan

01:04:32 **Motion/Vote:** Rep. MacLaren moved **AMENDMENT 12 OF** (the Senate Amendments to) **HB 486** (Exhibit 1). Motion failed (because majority of Senate members voted no) 4-3 by roll call vote with Sen. Esp, Sen. Tutvedt and Rep. Vance voting no.

01:05:44 **Motion:** Sen. Esp moved HB 486 **AS AMENDED** by the conference committee.

Discussion:

01:05:57 Leanne Heisel
01:06:12 Chairman Gillan
01:06:38 Sen. Esp
01:06:47 Rep. Reinhart
01:07:32 Sen. Esp
01:08:36 Chairman Gillan
01:08:51 Sen. Esp

01:08:55 Chairman Gillan

01:09:10 Tim Davis, Montana Smart Growth Coalition

01:09:21 Sen. Esp

01:09:41 Tim Davis

01:09:54 Chairman Gillan

01:10:31 **Vote:** Motion failed (because of 2-2 split vote by House members) 4-3 by roll call vote with Sen. Gillan, Rep. Reinhart and Rep. Ebinger voting no.

01:11:10 Sen. Esp

NOTE: After the meeting adjourned, Sen. Gillan scheduled a second meeting in lieu of not adopting the conference committee report.

ADJOURNMENT

Adjournment: 12:45 P.M.

Nadine Spencer, Secretary

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Additional Documents:

EXHIBIT ([ccs80hb0486aad.pdf](#))