

BUSINESS REPORT

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

SENATE LOCAL GOVERNMENT COMMITTEE

Date: Friday, February 20, 2009
Place: Capitol

Time: 3:00 pm
Room: 405

BILLS and RESOLUTIONS HEARD:

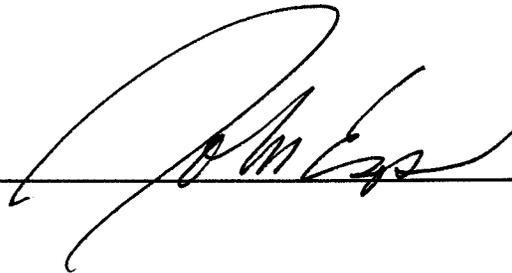
SB 411, SB 423
SB 482, SB 487

EXECUTIVE ACTION TAKEN:

SB 434 ~ Do Pass
SB 482 ~ Do Pass As Amended
SB 411 ~ Do Pass As Amended
SB 423 ~ Tabled
SB 487 ~ Tabled

COMMENTS:

SB 433 ~ (To Senate Floor)
SB 166 ~ Reconsideration Vote Fails



SEN. John Esp, Chairman

MONTANA STATE SENATE
ROLL CALL
LOCAL GOVERNMENT
COMMITTEE

DATE: February 20, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman John Esp	✓	
Vice Chair Jeff Essmann	✓	
Senator Gregory Barkus	✓	
Senator Ron Erickson	✓	
Senator Steve Gallus	✓	
Senator Kim Gillan	✓	
Senator Verdell Jackson	✓	
Senator Jesse Laslovich		✓
Senator Bruce Tutvedt	✓	



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 434** (first reading copy -- white) **do pass**.

Signed: _____

Senator John Esp, Chair

- END -

Committee Vote:

Yes 5, No 4

Fiscal Note Required

SB0434001SC.sdr



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 3

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 482** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, appearing to read "John Esp", written over a horizontal line.

Senator John Esp, Chair

And, that such amendments read:

1. Title, line 4 through line 5.

Following: "SUBDIVISIONS;" on line 4

Strike: "REVISING WHAT" on line 4 through "ACT;" on line 5

2. Title, line 7 through line 8.

Strike: "PROVIDING" on line 7 through "RECORD;" on line 8

3. Title, line 9.

Strike: "76-3-103, 76-3-611, AND 76-3-621,"

Insert: "76-3-207 AND 76-3-611,"

4. Page 1, line 13 through page 3, line 12.

Strike: section 1 in its entirety

"Section 1. Section 76-3-207, MCA, is amended to read:

"76-3-207. Divisions of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining

Committee Vote:

Yes 9, No 0

Fiscal Note Required

properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) (a) Subject to subsection (3)(b), a division of land may not be made under this section unless the county treasurer has certified that ~~all~~ no real property taxes and special assessments assessed and levied on the land to be divided ~~have been paid~~ are delinquent.

(b) (i) If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that ~~the~~ no prorated real property taxes and special assessments are ~~paid~~ delinquent on the land being sold before the division of land is made.

(ii) The county treasurer may accept the amount of the tax prorated pursuant to this subsection (3)(b) as a partial payment of the total tax that is due.

(4) The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.""

5. Page 3, line 19.

Strike: "all"

Insert: "no"

6. Page 3, line 20.

Strike: "not"

7. Page 3, line 29 through page 6, line 11.

Strike: section 3 in its entirety

- END -



SENATE STANDING COMMITTEE REPORT

February 21, 2009

Page 1 of 1

Mr. President:

We, your committee on **Local Government** recommend that **Senate Bill 411** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, appearing to read "John Esp", written over a horizontal line.

Senator John Esp, Chair

And, that such amendments read:

1. Title, line 6 through line 8.

Strike: "IDENTIFICATION" on line 6 through "PRESERVED;" on line 8

Insert: "SAND AND GRAVEL RESOURCES AMONG THE CHARACTERISTICS AND FEATURES THAT GROWTH POLICY JURISDICTIONAL AREA MAPS AND TEXT MUST DESCRIBE;"

2. Page 1, line 26.

Strike: "and"

3. Page 1.

Following: line 26

Insert: "(viii) sand and gravel resources; and"

4. Page 1, line 27.

Strike: "(viii)"

Insert: "(ix)"

5. Page 2, line 27.

Following: "and"

Insert: "and"

6. Page 3, line 5 through line 9.

Strike: "and" on line 5 through "bodies" on line 9

- END -

Committee Vote:

Yes 9, No 0

Fiscal Note Required

SB0411001SC.sdr

COMMITTEE FILE COPY

TABLED BILL

The **SENATE LOCAL GOVERNMENT COMMITTEE** TABLED **SB 423, SB 487**, by motion, on **Friday, February 20, 2009**.



(For the Committee)



(Secretary of the Senate)

7:15 | 2/21
(Time) (Date)

February 20, 2009

Debra L. Polhemus, Secretary

Phone: 4685

ROLL CALL VOTE
 LOCAL GOVERNMENT
 COMMITTEE
 MONTANA STATE SENATE

Date: 2.20.09

Bill No.: SB487

(487)

Motion: Table

NAME <i>(9 Members)</i>	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan	✓		
Sen. Gregory Barkus		✓	
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		✓
Sen. Verdell Jackson		✓	
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt	✓		
Chairman John Esp	✓		

VOTE: 7-2

ROLL CALL VOTE
 LOCAL GOVERNMENT
 COMMITTEE
 MONTANA STATE SENATE

Date: 2. 2009

Bill No.: SB482

Motion: be amended (conceptual by)
Sen. Essmann

NAME (9 Members)	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan		✓	
Sen. Gregory Barkus	✓		
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		✓
Sen. Verdell Jackson	✓		
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt		✓	
Chairman John Esp		✓	

VOTE: 6-3

ROLL CALL VOTE
 LOCAL GOVERNMENT
 COMMITTEE
 MONTANA STATE SENATE

Date: 2.20.09

Bill No.: SB423

Motion: Go Table

NAME (9 Members)	AYE	NO	Proxy
Vice Chairman Jeff Essmann	✓		
Sen. Kim Gillan	✓		
Sen. Gregory Barkus		✓	
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		✓
Sen. Verdell Jackson		✓	
Sen. Jesse Laslovich		✓	
Sen. Bruce Tutvedt		✓	
Chairman John Esp	✓		

VOTE: 5-4

ROLL CALL VOTE
 LOCAL GOVERNMENT
 COMMITTEE
 MONTANA STATE SENATE

Date: 2.20.09
 Bill No.: SB166

TO Reconsider SB166

Motion: (Sen. Erickson)

NAME <i>(9 Members)</i>	AYE	NO	Proxy
Vice Chairman Jeff Essmann		✓	
Sen. Kim Gillan	✓		
Sen. Gregory Barkus		✓	
Sen. Ron Erickson	✓		
Sen. Steve Gallus	✓		✓
Sen. Verdell Jackson		✓	
Sen. Jesse Laslovich	✓		
Sen. Bruce Tutvedt		✓	
Chairman John Esp		✓	

VOTE: 4-5 fails

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Sen Local Gov Committee because of other commitments. I desire to leave my proxy vote with:

Sen Gillan

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
SB 434 DO PASS		X
SB 487 Table	X	
SB 482 AMEND	X	
SB 482 Conceptual amendment	X	/
SB 482 Essman concept	X	
SB 482 As amended	X	
SB 411 Amend 01	X	
SB 411 Amendment	X	
SB 423 Table	X	
Knickerbocker	X	

BILL/AMENDMENT	AYE	NO

sen. Deve Galus
(Signature)

Date 2/20/09

VISITORS REGISTER

MONTANA SENATE LOCAL GOVERNMENT

Date: February 20, 2009 Bill No: SB 487

Sponsor(s): Sen. Jim Shockley
(Generally revise local government laws)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informat'l
George Culpeper	Self	X		
Charles Lapp	Self	X		
John McDonald	City of Missoula		X	
Jeff Larsen	MECA	X		
Joe Roberts	MARLS	X		
Alec Hansen	MLCT	X		
Linda Stoll	MT Assn of Planners West County		✓	
HAROLD BATHIE	MACO		X	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE LOCAL GOVERNMENT

Date: February 20, 2009 Bill No: SB 482

Sponsor(s): Sen. Dan McGee

(Generally revise subdivision and platting act)

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NAME	REPRESENTING	Support	Oppose	Informt'l
Myra Shults	JPIA / MACo		X	
Jeff Larson	MECA	X		
Charles Lapp	self	X		
George Culpepper	self	X		
Mike Stall	MISSOULA County MT Assn. of Planners			
Joe Roberts	MT Assn. of Planners Log Land Surveyors	X		
Gordon Morris	LEWIS & CLARK Co.		X	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE LOCAL GOVERNMENT

Date: February 20, 2009 Bill No: SB 411

Sponsor(s): Sen. Bruce Tutvedt

(Growth policy to include sand and gravel resource property rights)

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NAME	REPRESENTING	Support	Oppose	Informat'l
Myra Shuts	JPIA / MACo		X	
Jeff Larsen	MECA	X		
Charles Lapp	Self	X		
George Curbegun	Self	X		
Gordon Morris	Lewis + Clark Co		X	
Fred Hodgeboom	Montanans For Multiple Use	X		
Jean Riley	Private Citizen		X	
Mike Newton	Fisher Sands Gravel	✓		
Linda Still	MT Ass'n of Petitioners		✓	
Tom Allen	WETA	X		
Cynthia Carlton	private citizen	X		
Steve Wade	MCA	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE LOCAL GOVERNMENT

Date: February 20, 2009 Bill No: SB 423

Sponsor(s): Sen. Verdell Jackson
(Montana river and stream protection)

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NAME	REPRESENTING	Support	Oppose	Informat'l
Myra Shultz	JPIA / MACO			X
Jeff Larsen	MECA	X		
Charles Lapp	self	X		
George Culpeper	self	X		
WILL MYERS	BAYSIDE PARK + MACHINE CENTER, LLC	X		
Daniel Cox ^{owner}	Self		X	
Aracelis Lyron	self		X	
Art Baker	Self		X	
DEWEY BAKER	SELF		X	
Fred Hodgeboom	Montana's For Multiple Use	X		
James Sappington	Self	X		
Mike Murphy	MWRA		X	
Brianna Randall	CFC		X	
JERRI DANIEL	SELF		X	

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.

VISITORS REGISTER

MONTANA SENATE LOCAL GOVERNMENT

Date: February 20, 2009 Bill No: SB 423

Sponsor(s): Sen. Verdell Jackson
(Montana river and stream protection)

Please print ~ Please print ~ Please print

NAME	REPRESENTING	Support	Oppose	Informat'l
Janet Ellis	MT Audubon		X	
HAROLD BLATTIE	MACO		X	
GREG CHILCOTT	RAVALLI		X	
Jay Bodher	MSGA		X	
MARK ANGELES	MTU		X	
ALAN WRIGHT	mmYA	X		

Please leave prepared testimony with Committee Secretary. Witness Statement forms are available if you prefer to submit written testimony.