

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
62nd LEGISLATURE - REGULAR SESSION**

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Saturday, March 26, 2011
Place: Capitol

Time: 11:00 A.M.
Room: 172

BILLS and RESOLUTIONS HEARD: None

EXECUTIVE ACTION TAKEN:

HB 629 - Revise subdivision law and rent or lease exemption

Comments:



REP. Gary MacLaren, Chair

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 3-26-11

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. GARY MACLAREN, CHAIR	✓	
REP. MICHAEL MORE, VICE CHAIR	✓	
REP. MICHELE REINHART, VICE CHAIR	✓	
REP. LIZ BANGERTER	✓	
REP. DICK BARRETT	✓	
REP. BRYCE BENNETT	✓	
REP. TOM BERRY	✓	
REP. EDWARD GREEF	✓	
REP. KRISTIN HANSEN		<i>Excused</i>
REP. PAT INGRAHAM	✓	
REP. JAMES KNOX	✓	
REP. STEVE LAVIN		<i>Excused</i>
REP. SUE MALEK	✓	
REP. MARY MCNALLY	✓	
REP. JERRY O'NEIL	✓	
REP. MATTHEW ROSENDALE	✓	
REP. DEREK SKEES	✓	
REP. WAYNE STAHL	✓	
REP. KATHY SWANSON		<i>Excused</i>
REP. GORDON VANCE	✓	



HOUSE STANDING COMMITTEE REPORT

March 26, 2011

Page 1 of 3

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 629** (first reading copy - white) **do pass as amended.**

Signed: _____

Gary MacLaren
Representative Gary MacLaren, Chair

And, that such amendments read:

1. Title, page 1, line 6.

Following: "OF"

Strike: "MORE THAN THREE"

Insert: "CERTAIN"

2. Title, page 1, line 8.

Following: "REQUIREMENTS;"

Insert: "ALLOWING A GOVERNING BODY TO EXEMPT CERTAIN BUILDINGS OR STRUCTURES FROM SUBDIVISION REVIEW; ALLOWING A GOVERNING BODY TO REVIEW CERTAIN BUILDINGS OR STRUCTURES IN THE SAME MANNER AS MAJOR SUBDIVISIONS;"

3. Title, page 1, line 9.

Strike: "76-3-608,"

4. Title, page 1, line 10.

Following: "the first "MCA;"

Insert: "AND"

Strike: "; AND" through "DATE"

5. Page 1, line 23.

Following: "(1)"

Strike: "The"

Insert: "Except as provided in subsection (2), the"

6. Page 1, line 25.

Committee Vote:

Yes 17, No 3

Fiscal Note Required

HB0629001SC.hgh

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12:45

Strike: "76-2-204"

Insert: "76-3-204"

Following: "reviewed"

Insert: "in the same manner as a first minor subdivision"

Strike: "this section"

Insert: "76-3-609"

7. Page 1, line 26 through page 2, line 16.

Strike: "(2)" on page 1, line 26 through "76-3-609." on page 2, line 16

Insert: "(2) A governing body may review subdivisions for the rent or lease of six or more buildings or structures in the same manner as provided for major subdivisions."

Renumber: subsequent subsections

8. Page 3, line 24.

Following: "structures."

Insert: "(1)"

9. Page 3, line 29.

Strike: "(1)"

Insert: "(a)"

10. Page 4, line 1.

Strike: "(2)"

Insert: "(b) except as provided in subsection (4),"

11. Page 4, line 2.

Strike: "(a)"

Insert: "(i)"

12. Page 4, line 4.

Following: "lots;"

Insert: "or"

13. Page 4, line 5.

Strike: "(b)"

Insert: "(ii)(A)"

Strike: "single dwelling structures"

Insert: "buildings or structures designed for use as dwellings or places of business"

14. Page 4, line 6.

Following: "residence;"

Insert: "or"

15. Page 4, line 7 through line 10.

Strike: "(c)"

Insert: "(B)"

Strike: "; or" on line 7 through "operation" on line 10

Following: line 10

Insert: "(2) For purposes of this section, "dwelling" means a habitable residential structure, including a mobile home or recreational vehicle, and does not include a place of business.

(3) (a) Exemptions for a dwelling or place of business as provided in this section must be counted as follows:

(i) a single dwelling or place of business must be counted as one exemption;

(ii) a duplex, whether a dwelling or a place of business, must be counted as two exemptions;

(iii) a triplex, whether a dwelling or a place of business, must be counted as three exemptions; and

(iv) any buildings or structures that contain more than three dwellings, places of business, or dwellings and places of business in combination must be reviewed pursuant to [section 1].

(b) An exemption for a tract of record may be used only once and runs with the land independent of further divisions of or use of exemptions for the tract.

(4) A governing body may adopt regulations exempting more than three buildings or structures in addition to the parcel owner's primary residence from the requirements of this chapter."

16. Page 8, line 3.

Following: line 2

Insert: "(4) A governing body that adopts subdivision regulations exempting more than three buildings or structures as provided in 76-3-204 shall state the number of buildings or structures exempted from review."

17. Page 9, line 3 through page 10, line 12.

Strike: section 8 in its entirety

Renumber: subsequent sections

18. Page 15, line 25.

Strike: section 15 in its entirety

- END -

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 3-26-11 BILL NO HB 629 MOTION NO. 4

MOTION: Move to Amend - Reinstate Amendments 1, 2, 3, 5

NAME	11 AYE	9 NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN		✓	✓
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX		✓	
REP. STEVE LAVIN		✓	✓
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON	✓		✓
REP. GORDON VANCE		✓	

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 3-26-11 BILL NO HB 6089 MOTION NO. 5
 MOTION: Amendment 4 and 5 by Benhart

<u>NAME</u>	10 AYE	10 NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN		✓	✓
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX		✓	
REP. STEVE LAVIN		✓	✓
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON	✓		✓
REP. GORDON VANCE		✓	

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 3-26-11 BILL NO HB 629 MOTION NO. 6
 MOTION: Rep. MacLaren
Move to Amend

NAME	9 AYE	11 NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR		✓	
REP. MICHELE REINHART, VICE CHAIR	✓		
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT	✓		
REP. BRYCE BENNETT	✓		
REP. TOM BERRY		✓	
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN		✓	✓
REP. PAT INGRAHAM		✓	
REP. JAMES KNOX		✓	
REP. STEVE LAVIN		✓	✓
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL		✓	
REP. MATTHEW ROSENDALE		✓	
REP. DEREK SKEES		✓	
REP. WAYNE STAHL		✓	
REP. KATHY SWANSON	✓		✓
REP. GORDON VANCE		✓	

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 3.26.11 BILL NO HB 629 MOTION NO. 7

MOTION: Concure As Amended

NAME	17 AYE	3 NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. GARY MACLAREN, CHAIR	✓		
REP. MICHAEL MORE, VICE CHAIR	✓		
REP. MICHELE REINHART, VICE CHAIR		✓	
REP. LIZ BANGERTER	✓		
REP. DICK BARRETT		✓	
REP. BRYCE BENNETT		✓	
REP. TOM BERRY	✓		
REP. EDWARD GREEF	✓		
REP. KRISTIN HANSEN	✓		✓
REP. PAT INGRAHAM	✓		
REP. JAMES KNOX	✓		
REP. STEVE LAVIN	✓		✓
REP. SUE MALEK	✓		
REP. MARY MCNALLY	✓		
REP. JERRY O'NEIL	✓		
REP. MATTHEW ROSENDALE	✓		
REP. DEREK SKEES	✓		
REP. WAYNE STAHL	✓		
REP. KATHY SWANSON	✓		✓
REP. GORDON VANCE	✓		

AUTHORIZED COMMITTEE PROXY

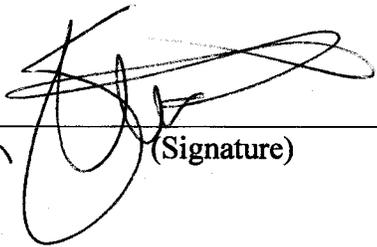
I request to be excused from the Hoosier Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Rep. Matthew Rosendale

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	BILL/AMENDMENT	AYE	NO
Amend HB 629	X				
Amend HB 629	X				
Amend HB062901.AHT	X				
Amend HB062902.AHT		X			
1-2-3-5 only					
Amend HB062902.AHT		X			
4+6 only					
Amend HB062903.AHT		X			
HB 629	X				

Rep. Lavin  (Signature)

Date 3-26-2011

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with:

Michele Reinhard

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
AMD HB062901. aht	X	
AMD HB062902. aht ¹⁻³ ₁₅	X	
AMD HB062902. aht ⁴⁻⁶	X	
AMD HB062903. aht	X	
HB 629	X	

BILL/AMENDMENT	AYE	NO

Rep. Kathy Swanson
(Signature)

Date 3/26/2011