

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Jon Sonju, on February 18, 2011 at 3:00 PM, in Room 405 Capitol

ROLL CALL

Members Present:

Sen. Jon Sonju, Chairman (R)
Sen. Art Wittich, Vice Chairman (R)
Sen. Shannon Augare (D)
Sen. Edward Buttrey (R)
Sen. Lynda Moss (D)
Sen. Gene Vuckovich (D)

Members Excused:

Sen. Steven Gallus (D)
Sen. Alan Olson (R)
Sen. Bruce Tutvedt (R)

Members Absent: None

Staff Present:

Leanne Kurtz, Legislative Branch
Kirk Lundby, 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: SB 298, SB 340, 2/14/2011; SB 357, 2/16/2011; SB 379,
2/17/2011
Executive Action: SB 119 Tabled
SB 209 Tabled
SB 298 Do Pass
SB 340 Do Pass As Amended
SB 349 Tabled
SB 357 Do Pass
SB 379 Do Pass As Amended

Discussion:

00:00:49 Sen. Moss
00:01:50 Vice Chair Sonju

HEARING ON SB 340

Opening Statement by Sponsor:

00:02:36 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 340, Clarifying the enforcement of laws related to fire hazard reduction.

[EXHIBIT\(los40a01\)](#)

Proponents' Testimony:

00:06:14 Jason Todhunter, representing the Montana Logging Association (MLA)
00:08:33 Patrick Heffnerman, representing the Montana Wood Products Association (MWPA)
00:09:27 Sen. Gallus entered the committee room
00:10:25 Mark Baker, representing the Plum Creek Timber Company (PCTC)
00:10:48 Richard Grady, representing himself

[EXHIBIT\(los40a02\)](#)

00:12:57 Dave Skinner, representing Montanans For Multiple Use (MFMU)
00:13:17 Gordon Morris, representing Lewis and Clark County

Opponents' Testimony:

00:13:27 Pat McKelvey

Informational Testimony:

00:14:05 Bob Harrington, Administrator, Forestry Department, Department of Natural Resources and Conservation (DNRC)

Questions from Committee Members and Responses:

00:14:48 Patrick Heffnerman, (MWPA)

Closing by Sponsor:

00:17:52 Sen. Vincent

HEARING ON SB 298

Opening Statement by Sponsor:

00:18:28 Sen. Chas Vincent (R), SD 1, opened the hearing on SB 298, Revise land use laws regarding wildland urban interface.

Proponents' Testimony:

00:20:24 Niki Sardot

EXHIBIT(los40a03)

00:22:54 Dustin Stewart, representing the Montana Building Industry Association (MBIA)

00:25:05 Glenn Oppel, representing the Montana Association of Realtors (MAR)

00:26:55 Chelcie Cremar, Montana Farm Bureau Federation (MFBF)

00:26:59 Sen. Olson entered the committee room

00:27:39 Greg Chilcott, Commissioner, Valley County

00:28:00 Dave Skinner, (MFMU)

00:29:42 Richard Grady, representing himself

EXHIBIT(los40a04)

00:30:51 Pat McKelvey, representing Firesafe Montana

00:31:56 Gordon Morris, representing Lewis and Clark County

00:32:17 Everett Stiger, Firesafe Montana

EXHIBIT(los40a05)

00:33:02 Sen. Tutvedt entered the committee room

Opponents' Testimony:

None

Informational Testimony:

00:35:08 Tara DePuy, representing the Montana Association of Counties (MACo)

Questions from Committee Members and Responses:

00:37:07 Vice Chair Wittich

00:38:00 Sen. Vincent

00:40:10 Vice Chair Wittich

00:40:27 Sen. Vincent

00:40:33 Sen. Tutvedt

00:40:55 Sen. Vincent

Closing by Sponsor:

00:41:31 Sen. Vincent

HEARING ON SB 357

Opening Statement by Sponsor:

00:42:33 Sen. Bradley Hamlett (D), SD 10, opened the hearing on SB 357, Revise laws for appointment and election of a resigning county commissioner.

Proponents' Testimony:

00:44:09 Greg Chilcott, Vice President, (MACo)

00:44:47 Gordon Morris, representing himself

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

00:45:27 Sen. Vuckovich

00:46:11 Vice Chair Wittich

00:47:14 Sen. Hamlett

00:47:17 Vice Chair Wittich

00:47:23 Sen. Hamlett

Closing by Sponsor:

00:47:57 Sen. Hamlett

HEARING ON SB 379

Opening Statement by Sponsor:

00:49:27 Sen. Alan Olson (R), SD 23, opened the hearing on SB 379, Generally revise county zoning laws.

Proponents' Testimony:

00:53:55 Bill VanCanagan, representing the Montana Association of Realtors (MAR) and the Plum Creek Timber Company (PCTC)

EXHIBIT(los40a06)

EXHIBIT(los40a07)

01:05:45 Steve Wade, representing the Montana Contractors Association (MCA)

01:06:22 Dustin Stewart, (MBIA)

01:07:43 Jerry Sorensen, Director, (PCTC)
01:09:29 Chuck Denowh, representing the United Property Owners of Montana (UPOM)
01:09:53 Mark Baker, representing the Montana Farm Bureau Federation (MFBF)
01:10:28 Jay Bodner, representing the Montana Stockgrowers Association (MSA)

Opponents' Testimony:

01:11:28 Tara DePuy, (MACo)
01:20:33 Gordon Morris, representing Lewis and Clark County

Informational Testimony:

None

Questions from Committee Members and Responses:

01:21:35 Chairman Sonju
01:22:02 Tara DePuy, (MACo)
01:22:07 Chairman Sonju
01:22:24 Tara DePuy
01:22:36 Sen. Vuckovich
01:23:01 Sen. Olson
01:23:26 Sen. Vuckovich
01:23:30 Sen. Olson

Closing by Sponsor:

01:24:03 Sen. Olson
[EXHIBIT\(los40a08\)](#)

Discussion:

01:26:35 Sen. Tutvedt
01:26:39 Chairman Sonju
01:26:54 Sen. Olson

EXECUTIVE ACTION ON SB 379

01:27:21 **Motion:** Sen. Olson moved that **SB 379 DO PASS.**
01:27:25 **Motion:** Sen. Olson moved that **SB 379 BE AMENDED.**
(see exhibit 8)

Discussion:

01:27:32 Leanne Kurtz, Legislative Services Division (LSD)
04:28:02 **Vote:** Motion carried unanimously by voice vote.

01:28:12 **Motion:** Sen. Olson moved that **SB 379 DO PASS AS AMENDED.**

Discussion:

01:28:18 Sen. Moss

01:29:04 Sen. Olson

01:30:13 Sen. Vuckovich

01:30:46 **Vote:** Motion carried 6-3 by roll call vote with Sen. Augare, Sen. Moss and Sen. Vuckovich voting no.

EXECUTIVE ACTION ON SB 357

01:31:40 **Motion/Vote:** Sen. Tutvedt moved that **SB 357 DO PASS.** Motion carried unanimously by voice vote.

01:32:05 Sen. Olson left the committee room

EXECUTIVE ACTION ON SB 340

01:32:24 **Motion:** Sen. Wittich moved that **SB 340 DO PASS.**

01:32:39 **Motion:** Sen. Wittich moved that **SB 340 BE AMENDED.**
(see exhibit 1)

Discussion:

01:32:51 Leanne Kurtz

01:33:08 **Vote:** Motion carried unanimously by voice vote of those present and voting.

01:33:13 **Motion/Vote:** Sen. Wittich moved that **SB 340 DO PASS AS AMENDED.**
Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 298

01:33:46 **Motion/Vote:** Sen. Wittich moved that **SB 298 DO PASS.** Motion carried 8-1 by voice vote with Sen. Gallus voting no. Sen. Olson voted by proxy.

EXECUTIVE ACTION ON SB 349

01:35:26 **Motion:** Sen. Augare moved that **SB 349 DO PASS.**

01:36:03 **Substitute Motion/Vote:** Sen. Augare made a substitute motion that **SB 349 BE TABLED**. Substitute Motion carried 8-1 by voice vote with Sen. Gallus voting no. Sen. Olson voted by proxy.

Discussion:

01:37:16 Sen. Augare
 01:37:17 Chairman Sonju
 01:37:38 Sen. Gallus
 01:39:10 Chairman Sonju
 01:39:22 Leanne Kurtz, (LSD)
 01:39:51 Chairman Sonju
 01:40:25 Sen. Tutvedt
 01:40:53 Sen. Moss
 01:41:02 Sen. Gallus
 01:41:23 Chairman Sonju
 01:41:27 Vice Chair Wittich
 01:42:29 Sen. Tutvedt
 01:42:37 Leanne Kurtz, (LSD)
 01:42:58 Sen. Augare
 01:43:31 Chairman Sonju

EXECUTIVE ACTION ON SB 119

01:44:41 **Motion:** Sen. Gallus moved that **SB 119 DO PASS**.

01:44:44 **Substitute Motion/Vote:** Sen. Gallus made a substitute motion that **SB 119 BE TABLED**. Substitute Motion carried unanimously by voice vote of those present and voting.

EXECUTIVE ACTION ON SB 209

01:44:48 **Motion:** Sen. Tutvedt moved that **SB 209 DO PASS**.

01:44:52 **Substitute Motion/Vote:** Sen. Tutvedt made a substitute motion that **SB 209 BE TABLED**. Substitute Motion carried unanimously by voice vote of those present and voting.

ADJOURNMENT

Adjournment:
01:45:11

Kirk Lundby, Secretary

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Additional Documents:

EXHIBIT([los40aad.pdf](#))