

Montana State Legislature

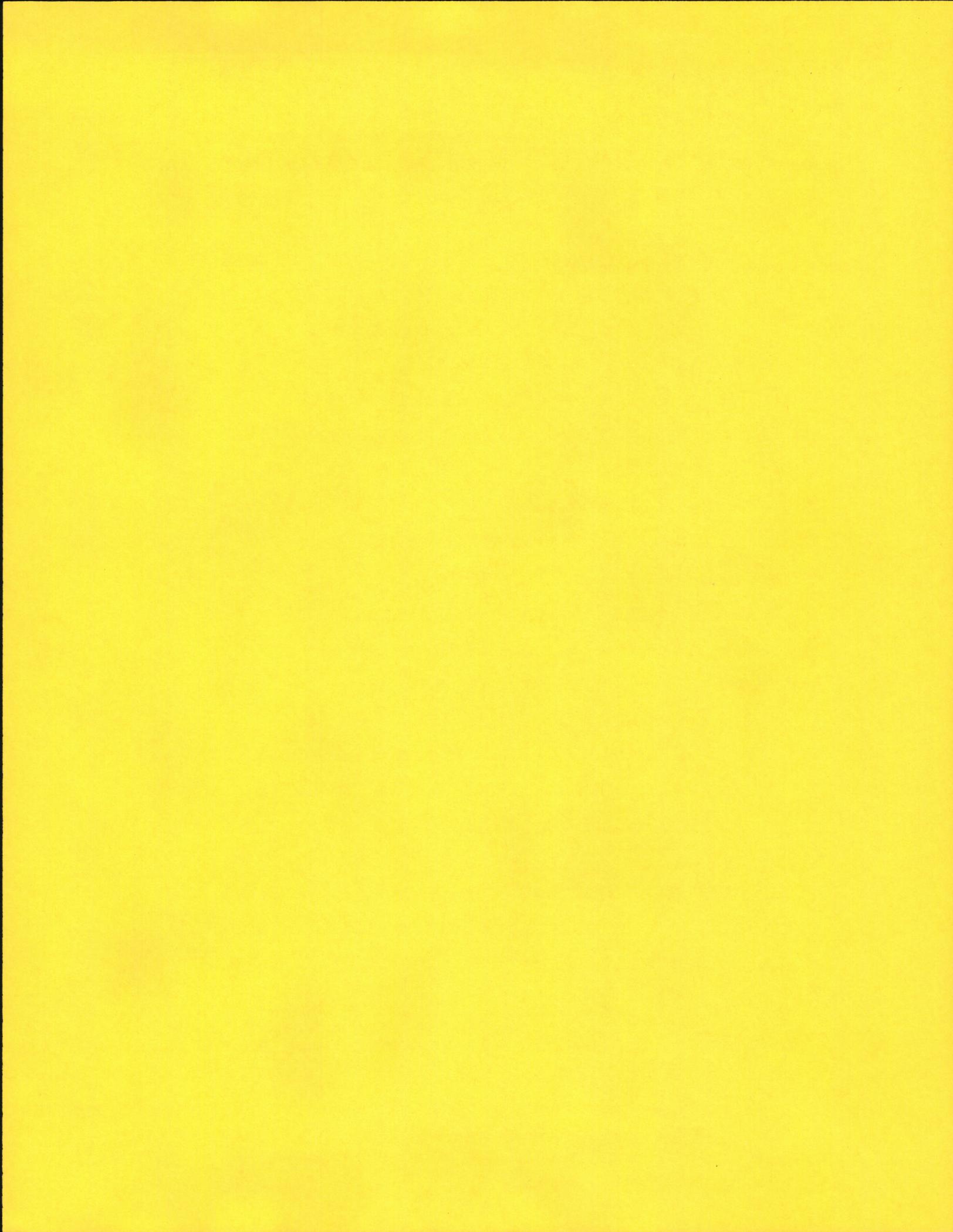
2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call - Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - * **Petitions if any.**
 - * **Any and all material handed end after the meeting ends.**

**The original is on file at the
Montana Historical Society
and may be viewed there.**

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BUSINESS REPORT

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Tuesday, February 19, 2013
Place: Capitol

Time: 3:00 PM
Room: 172

BILLS and RESOLUTIONS HEARD:

HB 426 - Revise unit ownership laws per conversion of condo to townhouse - Rep. Doug Kary
HB 437 - Allow county to create improvement district for certain purposes - Rep. Jonathan McNiven
HB 451 - Revise firewarden laws - Rep. Wylie Galt
HB 461 - Increase pension for certain volunteer firefighters - Rep. Ed Lieser
HB 465 - Increase certain county clerk fees - Rep. Joanne Blyton
HB 476 - Add cost of living adjustment for volunteer firefighters - Rep. Amanda Curtis
HB 497 - Restrict certain municipal ordinance penalties - Rep. Kerry White

EXECUTIVE ACTION TAKEN:

HB 314
SB 41
HB 368
HB 326
HB 421
HB 422
HB 455

Comments:



REP. Liz Bangerter, Chair

HOUSE OF REPRESENTATIVES
Roll Call
LOCAL GOVERNMENT COMMITTEE

DATE: 2/19/2013

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. STEVE FITZPATRICK, VICE CHAIR	✓	
REP. KATHY SWANSON, VICE CHAIR	✓	
REP. TOM BERRY	✓	
REP. CLARENA BROCKIE	✓	
REP. AMANDA CURTIS		✓
REP. ROGER HAGAN	✓	
REP. PAT INGRAHAM	✓	
REP. STEVE LAVIN	✓	
REP. MARY MCNALLY	✓	
REP. JONATHAN MCNIVEN	✓	X
REP. DAVID MOORE	✓	
REP. JERRY O'NEILL	✓	
REP. CASEY SCHREINER	✓	
REP. NICHOLAS SCHWADERER	✓	
REP. TOM STEENBERG	✓	
REP. NANCY WILSON	✓	
REP. DANIEL ZOLNIKOV	✓	
CHAIR LIZ BANGERTER	✓	



HOUSE STANDING COMMITTEE REPORT

February 19, 2013

Page 1 of 3

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 314** (first reading copy -
- white) **do pass as amended.**

Signed: *Liz Bangerter*
Representative Liz Bangerter, Chair

And, that such amendments read:

1. Title, page 1, line 11.

Following: "PROTEST;"

Insert: "REQUIRING A PROTEST FORM TO BE SENT TO PROPERTY OWNERS
IN THE PROPOSED DISTRICT;"

2. Title, page 1, line 15.

Following: "A SPECIAL DISTRICT;"

Insert: "REVISING SPECIAL DISTRICT COST ESTIMATE AND ASSESSMENT
DATES;"

3. Title, page 1, line 15 through line 16.

Strike: "PROHIBITING CERTAIN SPECIAL DISTRICTS FROM MAKING
ASSESSMENTS UNTIL COMPLYING WITH THE ACT;"

4. Title, page 1, line 18.

Following: "EFFECTIVE DATE"

Insert: "AND AN APPLICABILITY DATE"

5. Page 2, line 19.

Following: "and"

Insert: "either"

Following: "the"

Insert: "street"

Following: "address"

Insert: "or the legal description, whichever the signatory
prefers,"

Committee Vote:

Yes 18, No 0

Fiscal Note Required

HB0314001SC.hjk

*DL 2-20-13
9:45*

6. Page 4, line 16.

Following: "from"

Insert: "either"

7. Page 4, line 17.

Following: "intention"

Insert: "or the date the protest form provided for in subsection (2)(c) was sent to property owners, whichever is later,"

8. Page 4, line 19.

Following: "(2)"

Insert: "(a) A property owner may register a written protest under either subsection (2)(b) or (2)(c).

(b) A property owner may register a written protest in any format in conformity with this section."

Strike: "be in writing,"

Following: "protestor"

Insert: "by either its street address or its legal description, whichever the property owner prefers"

9. Page 4, line 22.

Following: line 21

Insert: "(c) The governing body shall send each person referred to in 7-11-1007(3)(c) a protest form with space for any information required under subsection (2)(b) of this section, mailing instructions, and the date the form must be returned to the governing body. The form must specify that if it is not returned, the owner's lack of action must be construed as support of the creation of the special district. The form must allow a property owner to select either support for or opposition against the creation of the district. However, if an owner does not make a selection of support or opposition and returns the form to the governing body, it must be construed as a protest of the creation of the special district."

10. Page 8, line 28.

Following: "first Thursday"

Insert: "after the first Tuesday"

11. Page 9, line 5 through line 6.

Strike: subsection (c) in its entirety

12. Page 9, line 24.

Following: "~~third Monday in August~~"

Insert: "later of the"

Following: "first Thursday"

Insert: "after the first Tuesday"

13. Page 9, line 27 through line 30.

Strike: section 10 in its entirety

Renumber: subsequent sections

14. Page 10.

Following: line 9

Insert: "NEW SECTION. **Section 13. Applicability.** [This act] applies to special districts created on or after [the effective date of this act]."

- END -



HOUSE STANDING COMMITTEE REPORT

February 19, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **Senate Bill 41** (third reading copy - blue) be concurred in as amended.

Signed: *Liz Bangert*
Representative *Liz Bangert*, Chair

To be carried by Representative Roger Hagan

And, that such amendments read:

1. Page 2, line 21.

Following: "consider the"

Insert: "mitigation of an"

2. Page 2, line 23.

Following: "DEVELOPMENT."

Insert: "The provisions of this subsection do not limit the authority of a local governing body to enforce subdivisions regulations pursuant to 76-3-501."

- END -

Committee Vote:

Yes 12, No 6

Fiscal Note Required

SB0041002SC15242.hjk

2-20-13 DC
9:45



HOUSE STANDING COMMITTEE REPORT

February 19, 2013
Page 1 of 2

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 368** (first reading copy - white) do pass as amended.

Signed: 
Representative Liz Bangerter, Chair

And, that such amendments read:

1. Page 1, line 12.

Following: "(1)"

Insert: "(a)"

2. Page 1, line 13.

Strike: "reasonably believes"

Insert: "has clear and convincing evidence"

3. Page 1, line 15.

Strike: "24"

Insert: "48"

Strike: "the occurrence of events upon which"

Strike: "formed that belief"

Insert: "obtained that evidence"

4. Page 1, line 16.

Following: "premises"

Insert: "immediately remove the abandoned property from the premises and"

5. Page 1, line 16 through line 17.

Strike: "the landlord reasonably believes"

Insert: "that"

6. Page 1, lines 17 and.

Strike: "and abandoned" on line 17

Committee Vote:

Yes 18, No 0

Fiscal Note Required

HB0368001SC.hjk

DC 9:15
2-20-13

Strike: "Any" on line 17 through "abandoned." on line 18

7. Page 1, line 19.

Following: line 18

Insert: "(b) An item that is clearly labeled "rent to own" or "leased" or likewise identified may be discarded only with confirmation from the lessor that the item does not have a lien, provided that the lessor can be easily identified from the label and the landlord makes a reasonable effort to contact the lessor.

(c) For the purposes of this subsection (1), the following definitions apply:

(i) "Hazardous" means any item that is potentially or actually flammable, a biohazard, or an item otherwise capable of inflicting personal harm or injury.

(ii) "Perishable" means any item requiring refrigeration or any food item with a marked expiration date.

(iii) "Valueless" means any item that has an insubstantial resale value but does not include personal photos, jewelry, or other small items that are irreplaceable."

8. Page 2, line 1.

Strike: "7"

Insert: "10"

9. Page 2, line 25.

Following: line 24

Insert: "(9) The landlord shall ensure that the terms of this section are included in plain and understandable language as a notification in any lease or rental agreement at the time of the agreement or when the tenant occupies the property. The landlord shall provide the same notification upon termination of the lease or rental agreement."

- END -

BILL TABLED NOTICE

HOUSE LOCAL GOVERNMENT COMMITTEE

The HOUSE LOCAL GOVERNMENT COMMITTEE TABLED
HB 326 - Require state coordination with local governments when requested - Rep. Kelly
Flynn
, by motion, on Tuesday, February 19, 2013.



(For the Committee)



(For the Chief Clerk of the House)

10:00 / 2-20
(Time) (Date)

February 20, 2013 (9:58am)

Sally Speer, Secretary

Phone: 444-1863



HOUSE STANDING COMMITTEE REPORT

February 19, 2013
Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 421** (first reading copy -
- white) **do pass as amended.**

Signed: *Liz Bangerter*
Representative Liz Bangerter, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Strike: "48"

Insert: "72"

2. Page 1, line 14.

Following: "~~48~~ hours"

Insert: "for a period longer than 48 hours"

Strike: "48"

Insert: "72"

3. Page 1, line 26.

Following: "on"

Insert: "for a period of 72 hours or more"

4. Page 2, line 11.

Strike: "48-hour"

Insert: "72-hour"

5. Page 2, line 12.

Strike: "48-hour"

Insert: "72-hour"

- END -

Committee Vote:

Yes 16, No 2

Fiscal Note Required

HB0421001SC.hjk

2-20-13 DC
9:45



HOUSE STANDING COMMITTEE REPORT

February 19, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 422** (first reading copy -
- white) **do pass**.

Signed: _____

Liz Bangerter
Representative Liz Bangerter, Chair

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ___

HB0422001SC.hjk

DC 2-20-13
9:15



HOUSE STANDING COMMITTEE REPORT

February 19, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 455** (first reading copy -
- white) **do pass**.

Signed: _____

Liz Bangerter
Representative Liz Bangerter, Chair

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required

HB0455001SC.hjk

DC 2-20-13
9:15

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

Bill
SB 41

DATE: 2/19/2013 BILL NO SB 41 MOTION NO: ~~SB 41~~ AKA
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE FITZPATRICK, VICE CHAIR	✓		
REP. KATHY SWANSON, VICE CHAIR	✓		
REP. TOM BERRY	✓		
REP. CLARENA BROCKIE	✓		
REP. AMANDA CURTIS		✓	
REP. ROGER HAGAN	✓		
REP. PAT INGRAHAM	✓		
REP. STEVE LAVIN	✓		
REP. MARY MCNALLY		✓	
REP. JONATHAN MCNIVEN	✓		
REP. DAVID MOORE	✓		
REP. JERRY O'NEILL	✓		
REP. CASEY SCHREINER		✓	
REP. NICHOLAS SCHWADERER		✓	
REP. TOM STEENBERG		✓	
REP. NANCY WILSON		✓	
REP. DANIEL ZOLNIKOV	✓		
CHAIR LIZ BANGERTER	✓		

12 6

HOUSE OF REPRESENTATIVES
Roll Call Vote
LOCAL GOVERNMENT COMMITTEE

DATE: 2/19/2013 BILL NO SB 41 MOTION NO. SB 004107. AKD
 MOTION: _____

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. STEVE FITZPATRICK, VICE CHAIR	✓		
REP. KATHY SWANSON, VICE CHAIR	✓		
REP. TOM BERRY	✓		
REP. CLARENA BROCKIE	✓		
REP. AMANDA CURTIS	✓		
REP. ROGER HAGAN	✓		
REP. PAT INGRAHAM	✓		
REP. STEVE LAVIN	✓		
REP. MARY MCNALLY	✓		
REP. JONATHAN MCNIVEN	✓		
REP. DAVID MOORE	✓		
REP. JERRY O'NEILL	✓	✓	
REP. CASEY SCHREINER		✓	
REP. NICHOLAS SCHWADERER	✓		
REP. TOM STEENBERG	✓		
REP. NANCY WILSON	✓		
REP. DANIEL ZOLNIKOV	✓		
CHAIR LIZ BANGERTER	✓		

