

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Liz Bangerter, on February 14, 2013 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Liz Bangerter, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Kathy Swanson, Vice Chair (D)
Rep. Amanda Curtis (D)
Rep. Pat Ingraham (R)
Rep. Steve Lavin (R)
Rep. Mary McNally (D)
Rep. Jonathan McNiven (R)
Rep. David (Doc) Moore (R)
Rep. Jerry O'Neil (R)
Rep. Casey Schreiner (D)
Rep. Tom Steenberg (D)
Rep. Nancy Wilson (D)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Tom Berry (R)
Rep. Clarena Brockie (D)
Rep. Roger A. Hagan (R)
Rep. Nicholas Schwaderer (R)

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Sara Anderson, Committee Secretary
Sandra Dogiakos, 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: HB 326, 2/11/2013; HB 368, 2/6/2013; HB 421, 2/11/2013; HB 422, 2/12/2013; HB 455, 2/12/2013
Executive Action: HB 314; SB 41; HB 379; HB 380; HB 371

00:11:26 Chairman Bangerter
00:12:00 Rep. Berry arrived.
00:13:23 Rep. Swanson

EXECUTIVE ACTION ON HB 379

00:14:08 **Motion/Vote:** Rep. Swanson moved that **HB 379 BE TABLED**. Motion carried 17-1 by voice vote with Rep. O'Neil voting no. Rep. Brockie, Rep. Hagan and Rep. Schwaderer voted by proxy.

EXECUTIVE ACTION ON HB 380

00:14:37 **Motion/Vote:** Rep. Swanson moved that **HB 380 BE TABLED**. Motion carried 17-1 by voice vote with Rep. O'Neil voting no. Rep. Brockie, Rep. Hagan and Rep. Schwaderer voted by proxy.

EXECUTIVE ACTION ON HB 371

00:15:07 **Motion:** Rep. Fitzpatrick moved that **HB 371 DO PASS**.

Discussion:

00:15:31 Rep. McNally
00:15:44 Rep. Ingraham

00:16:38 **Motion:** Rep. Ingraham moved that **HB 371 BE AMENDED**.
[EXHIBIT\(loh33a01\)](#)

Discussion:

00:17:05 Rep. Lavin
00:17:45 Chairman Bangerter
00:17:51 Rep. O'Neill

00:18:24 **Vote:** Motion failed 3-12 by roll call vote with Rep. Bangerter, Rep. Ingraham and Rep. McNiven voting aye.

00:21:05 **Motion:** Rep. Fitzpatrick moved that **HB 317 BE AMENDED**. Rep. Brockie, Rep. Hagan and Rep. Schwaderer voted by proxy.

[EXHIBIT\(loh33a02\)](#)

Discussion:

00:21:15 Rep. Fitzpatrick
00:21:28 Rep. Ingraham
00:22:00 Rep. Brockie arrived.
00:22:47 Rep. Lavin

00:23:21 **Vote:** Motion failed 5-13 by roll call vote with Rep. Hagan, Rep. Lavin, Rep. O'Neil, Rep. Wilson and Rep. Zolnikov voting aye. Rep. Hagan and Rep. Schwaderer voted by proxy.

00:24:49 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 317 DO PASS**. Motion carried unanimously by roll call vote. Rep. Hagan and Rep. Schwaderer voted by proxy.

EXECUTIVE ACTION ON SB 41

00:26:38 **Motion:** Rep. Fitzpatrick moved that **SB 41 BE CONCURRED IN**.

00:26:49 **Motion:** Rep. McNally moved that **SB 41 BE AMENDED**.
EXHIBIT(loh33a03)

Discussion:

00:28:09 Chairman Bangerter

00:28:17 Rep. Schreiner

00:28:45 Rep. Fitzpatrick

00:29:00 Rep. McNally

00:29:25 Chairman Bangerter

00:29:47 **Vote:** Motion failed 7-11 by roll call vote with Rep. Brockie, Rep. Curtis, Rep. McNally, Rep. Schreiner, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting aye. Rep. Hagan and Rep. Schwaderer voted by proxy.

00:32:00 **Motion:** Rep. Fitzpatrick moved that **SB 41 BE AMENDED**.

Discussion:

00:32:18 Chair Bangerter

00:32:45 Rep. Swanson

00:33:01 Rep. Bangerter

00:33:30 Rep. Fitzpatrick **WITHDREW MOTION SB 41 BE AMENDED**

00:33:41 Chairman Bangerter

00:33:58 Rep. Wilson

00:34:12 Chairman Bangerter

00:34:45 Rep. Fitzpatrick **WITHDREW MOTION to BE CONCURRED IN on SB 41**.

EXECUTIVE ACTION ON HB 314

00:34:50 **Motion:** Rep. Fitzpatrick moved that **HB 314 DO PASS**.

00:34:55 **Motion:** Rep. Fitzpatrick moved that **HB 314 BE AMENDED**.
EXHIBIT(loh33a04)

Discussion:

00:36:32 Ms. Aldrich

00:38:13 Chair Bangerter

00:38:35 Ms. Aldrich

00:39:47 Rep. Steenberg

00:40:13 Ms. Aldrich

00:40:49 Rep. McNally

00:41:08 Ms. Aldrich
00:41:26 Chair Bangerter
00:41:34 Rep. Wilson
00:41:57 Rep. Berry
00:42:20 Chair Bangerter

00:42:27 **Vote:** Motion carried 12-6 by roll call vote with Rep. Brockie, Rep. Curtis, Rep. McNally, Rep. Schwaderer, Rep. Swanson and Rep. Wilson voting no. Rep. Hagan and Rep. Schwaderer voted by proxy.

00:43:55 **Motion:** Rep. Fitzpatrick moved that **HB 314 DO PASS AS AMENDED.**

Discussion:

00:44:15 Ms. Aldrich

00:44:32 Rep. Fitzpatrick **WITHDREW MOTION HB 314 DO PASS AS AMENDED.**

00:44:46 **Motion:** Rep. Wilson moved that **HB 314 BE AMENDED.**

[EXHIBIT\(loh33a05\)](#)

Discussion:

00:47:15 Ms. Aldrich
00:47:23 Rep. Wilson
00:47:49 Ms. Aldrich
00:49:25 Rep. Wilson
00:50:48 Chair Bangerter
00:51:00 Rep. O'Neill
00:51:20 Rep. Wilson
00:51:42 Rep. O'Neill
00:51:54 Rep. Wilson
00:52:40 Chair Bangerter
00:52:55 Rep. O'Neill
00:53:30 Rep. Steenberg
00:53:55 Rep. O'Neill
00:54:18 Ms. Aldrich
00:55:09 Rep. O'Neill
00:55:12 Ms. Aldrich
00:55:44 Rep. O'Neill
00:55:58 Ms. Aldrich
00:56:23 Chair Bangerter
00:56:50 Rep. McNally
00:57:11 Chair Bangerter

00:59:26 **Substitute Motion/Vote:** Rep. Fitzpatrick moved that **Alec Hansen be allowed to offer testimony on HB 314.** Motion carried 12-6 by roll call vote with Rep. Lavin, Rep. McNiven, Rep. Moore, Rep. Schwaderer, Rep. Steenberg and Rep. Swanson voting no. Rep. Hagan and Rep. Schwaderer voted by proxy.

00:59:33 Alec Hansen, Montana League of Cities and Towns

01:02:18 **Vote:** Motion carried unanimously by voice vote. Rep. Hagan and Rep. Schwaderer voted by proxy.

01:02:37 **Motion:** Rep. Fitzpatrick moved that **HB 314 BE INDEFINITELY POSTPONED.**

Discussion:

01:03:23 Chairman Bangerter

01:03:37 **Vote:** Motion carried unanimously by voice vote. Rep. Hagan and Rep. Schwaderer voted by proxy.

01:03:56 Rep. McNiven

01:04:24 Chairman Bangerter

HEARING ON HB 421 AND HB 422

Opening Statement by Sponsor:

01:05:09 Rep. Joanne Blyton (R), HD 59, opened the hearing on HB 421, Revise law pertaining to abandoned vehicles, and HB 422, Generally revise junk vehicle program laws.

EXHIBIT(lah33a06)

01:06:39 Chairman Bangerter

01:07:48 Rep. Blyton

01:13:27 Chairman Bangerter

Proponents' Testimony:

01:13:33 Terry Morrison, President, Montana Tow Truck Association (MTTA)

01:16:11 Bob Gilbert, MTTA

01:19:11 Jim Dusenberry, Capital City Towing Association

01:20:59 Jerry Williams, Self

01:22:11 Gary Becker, Montana Highway Patrol, Department of Justice (DOJ)

01:26:29 Dennis Frownfelter, MTTA

01:26:57 Joe Benski, Cascade County Towers

01:28:00 John Richards, Silverbow Towing Association

Opponents' Testimony:

01:28:30 Kate Cholewa, City of Missoula

01:29:57 Mark French, Self

01:31:04 Tim Ravenal, Self

Informational Testimony:

01:33:01 Ed Thamke, Bureau Chief, Waste and Underground Tanks Management Bureau, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

01:33:47 Rep. Ingraham

01:34:11 Mr. Thamke, DEQ

01:35:28 Rep. Wilson

01:36:01 Rep. Blyton

01:37:37 Rep. McNiven
01:37:56 Rep. Blyton
01:38:35 Rep. McNiven
01:38:58 Mr. Thamke, DEQ
01:39:28 Rep. McNiven
01:39:48 Mr. Thamke, DEQ
01:39:54 Rep. McNiven
01:40:07 Mr. Thamke, DEQ
01:40:41 Rep. O'Neil
01:41:01 Mr. Thamke, DEQ
01:41:18 Chairman Bangerter
01:41:27 Rep. O'Neil
01:41:40 Mr. Thamke, DEQ
01:42:16 Rep. O'Neil
01:43:07 Rep. Blyton
01:43:27 Rep. Moore
01:43:56 Rep. Blyton
01:44:57 Rep. Lavin
01:45:39 Mr. Becker, DOJ
01:48:05 Rep. Lavin
01:48:13 Rep. Schreiner
01:49:25 Rep. Blyton
01:49:45 Chair Bangerter

Closing by Sponsor:

01:49:52 Rep. Blyton
01:53:19 Chair Bangerter

HEARING ON HB 455

Opening Statement by Sponsor:

01:53:40 Rep. Joanne Blyton (R), HD 59, opened the hearing on HB 455, Revise law for the reissuance of title for abandoned vehicles.

Proponents' Testimony:

01:55:38 Terry Morrison, Montana Tow Truck Association
01:56:27 Bob Gilbert, MTTA
01:57:33 Jerry Williams, Self
01:59:50 Jim Dusenberry, Capital City Towing Association
02:00:47 Dennis Frownfelter, MTTA

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:01:54 Rep. Blyton
02:03:27 Chair Bangerter

02:03:42 Recessed
02:07:53 Reconvened

HEARING ON HB 368

Opening Statement by Sponsor:

02:08:11 Rep. Christy Clark (R), HD 17, opened the hearing on HB 368, Revise landlord tenant regarding abandoned property.

Proponents' Testimony:

02:10:47 Amy Fisher, Montana Association of Realtors (MAR)
02:12:48 John Sinrud, Montana Landlords Association
02:15:54 Rick Linafelter, Government Affairs Chair, Montana Landlords Association
02:16:43 Zack Brown, President, Associated Students, University of Montana
02:17:23 Sharon Lodge, President, Bozeman Chapter, Landlords Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

02:18:18 Rep. Clark

HEARING ON HB 326

Opening Statement by Sponsor:

02:19:20 Rep. Kelly Flynn (R), HD 68, opened the hearing on HB 326, Require state coordination with local governments when requested.

Proponents' Testimony:

02:22:04 Harold Blattie, Montana Association of Counties (MACo)
[EXHIBIT\(loh33a07\)](#)
02:23:04 Rep. Flynn
[EXHIBIT\(loh33a08\)](#)
02:23:43 Sen. Jennifer Fielder, SD 9
02:26:25 Tim Ravndal, Self
02:28:26 Leonard Wortman, Chair, Jefferson County Commission
[EXHIBIT\(loh33a09\)](#)
02:38:09 Chair Bangerter
02:38:55 Dan Happel, Commissioner, Madison County
02:41:30 Vicki Hamilton, Custer County Commissioner and Rosebud County
02:42:45 Gary Kruger, Flathead County Commissioner
02:43:15 Ron Stoltz, Ravalli County Commissioner
02:43:54 Bob Faw, Sweetgrass County Commissioner
02:45:20 Chesley Cramer, Montana Farm Bureau Federation and Montana Wool Growers

Opponents' Testimony:

02:46:22 John North, Department of Environmental Quality (DEQ)

02:49:43 Jane Weber, Cascade County Commissioner

EXHIBIT(loh33a10)

02:57:34 Tim Davis, Administrator, Water Resource Division, Department of Natural Resources and Conservation (DNRC)

03:00:11 John Fitzpatrick, NorthWestern Energy

EXHIBIT(loh33a11)

03:08:44 Ed G. Beaudette, Attorney, Montana Department of Transportation (MDT)

03:13:00 Jim Jensen, Executive Director Montana Environmental Information Center (MEIC)

Informational Testimony: None

Questions from Committee Members and Responses:

03:19:09 Rep. O'Neil

03:19:42 Mr. Blattie, MACo

03:20:13 Rep. O'Neil

03:20:19 Mr. Blattie MACo

Closing by Sponsor:

03:20:40 Rep. Flynn

03:25:31 Chair Bangerter

ADJOURNMENT

Adjournment: 03:27:23

Sara Anderson, Secretary

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Additional Documents:

EXHIBIT([loh33aad.pdf](#))