

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Liz Bangerter, on February 19, 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. Tom Berry (R)
Rep. Clarena Brockie (D)
Rep. Roger A. Hagan (R)
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. Nicholas Schwaderer (R)
Rep. Tom Steenberg (D)
Rep. Nancy Wilson (D)
Rep. Daniel Zolnikov (R)

Members Excused: Rep. Amanda Curtis (D)

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Sally Speer, 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 426, 2/11/2013; HB 437, 2/11/2013; HB 451, HB 461,
HB465, HB 476, HB 497 2/15/2013

Executive Action: HB 314; SB 41; HB 368; HB 326: HB 421; HB 422; HB 455

00:20:21 Chair Bangerter
[EXHIBIT\(loh37a01\)](#)

EXECUTIVE ACTION ON HB 314

00:20:51 Chair Bangerter
00:21:05 **Motion:** Rep. Fitzpatrick moved that **HB 314 DO PASS AS AMENDED.**

Discussion:

00:21:38 Chair Bangerter
[EXHIBIT\(loh37a02\)](#)

00:21:54 **Motion/Vote:** Rep. Fitzpatrick moved that **AMENDMENT HB031402.AKA BE REMOVED** and **HB 314 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Curtis voted by proxy.

[EXHIBIT\(loh37a03\)](#)

00:22:23 Chair Bangerter
00:22:40 **Motion/Vote:** Rep. Fitzpatrick moved that **AMENDMENT 031406.AKA BE REMOVED** and **HB 314 BE AMENDED.** Motion carried unanimously by voice vote. Rep. Curtis voted by proxy.

[EXHIBIT\(loh37a04\)](#)

00:22:49 **Motion:** Rep. Fitzpatrick moved that **HB 314 BE AMENDED.**
[EXHIBIT\(loh37a05\)](#)

Discussion:

00:23:21 Chair Bangerter
00:23:22 Rep. Fitzpatrick
00:23:27 Rep. Zolnikov
00:23:33 Rep. McNiven
00:24:02 Chair Bangerter

00:24:15 **Vote:** Motion carried unanimously by voice vote. Rep. Curtis voted by proxy.

00:24:24 Chair Bangerter

00:25:07 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 314 DO PASS AS AMENDED.** Motion carried unanimously by voice vote. Rep. Curtis voted by proxy.

EXECUTIVE ACTION ON SB 41

00:25:40 **Motion:** Rep. Fitzpatrick moved that **SB 41 BE CONCURRED IN.**

00:25:42 Chair Bangerter
[EXHIBIT\(loh37a06\)](#)

00:26:53 **Motion:** Rep. Fitzpatrick moved that **SB 41 BE CONCURRED IN AS AMENDED.**

00:27:00 Chair Bangerter

Discussion:

00:28:09 Rep. McNally

EXHIBIT(loh37a07)

00:28:19 Ginger Aldrich, Legislative Services Division (LSD)

00:29:36 Rep. McNally

00:30:01 Ms. Aldrich

00:30:17 Rep. Curtis entered the meeting.

00:30:25 Chair Bangerter

00:30:28 Rep. Wilson

00:30:47 Ms. Aldrich

00:30:55 Chair Bangerter

00:31:04 Ms. Aldrich

00:31:27 Chair Bangerter

00:31:38 Rep. Wilson

00:32:06 Ms. Aldrich

00:32:17 Chair Bangerter

00:32:27 Rep. McNally

00:32:45 **Vote:** Motion carried 16-2 by roll call vote with Rep. O'Neil and Rep. Schreiner voting no.

Discussion:

00:33:50 Rep. Hagan

00:34:23 **Vote:** Motion carried unanimously by voice vote.

00:34:40 **Vote:** Motion carried 12-6 by roll call vote with Rep. Curtis, Rep. McNally, Rep. Schreiner, Rep. Schwaderer, Rep. Steenberg and Rep. Wilson voting no. Rep. Hagan will carry the bill.

EXECUTIVE ACTION ON HB 368

00:36:17 **Motion:** Rep. Fitzpatrick moved that **HB 368 DO PASS.**

00:37:38 **Motion:** Rep. Fitzpatrick moved that **HB 368 BE AMENDED.**
EXHIBIT(loh37a08)

Discussion:

00:38:42 Chair Bangerter

00:38:51 Ms. Aldrich

00:39:33 Chair Bangerter

00:39:37 Rep. O'Neil

00:40:37 Chair Bangerter

00:40:41 Rep. Schreiner

00:41:01 Chair Bangerter

00:41:05 **Vote:** Motion carried 17-1 by voice vote with Rep. O'Neil voting no.

00:41:26 **Motion:** Rep. Fitzpatrick moved that **HB 368 DO PASS AS AMENDED.**

00:41:35 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 326

00:41:59 **Motion:** Rep. Fitzpatrick moved that **HB 326 DO PASS.**

00:42:14 **Substitute Motion/Vote:** Rep. Swanson made a substitute motion that **HB 326 BE TABLED.** Substitute Motion carried 17-1 by voice vote with Rep. Schwaderer voting no.

EXECUTIVE ACTION ON HB 421

00:42:33 **Motion:** Rep. Fitzpatrick moved that **HB 421 DO PASS.**

00:43:05 **Motion:** Rep. Ingraham moved that **HB 421 BE AMENDED.**
[EXHIBIT\(loh37a09\)](#)

Discussion:

00:43:50 Rep. Berry left the meeting.

00:44:00 Chair Bangerter

00:44:03 Rep. Schwaderer

00:44:19 Chair Bangerter

00:44:24 Rep. McNiven

00:44:41 Chair Bangerter

00:44:47 **Vote:** Motion carried unanimously by voice vote.

00:45:01 **Motion:** Rep. Fitzpatrick moved that **HB 421 DO PASS AS AMENDED.**

00:45:03 **Vote:** Motion carried 16-2 by voice vote with Rep. Schwaderer and Rep. Zolnikov voting no. Rep. Berry voted by proxy.

EXECUTIVE ACTION ON HB 422

00:45:49 **Motion:** Rep. Fitzpatrick moved that **HB 422 DO PASS.**

00:46:02 Chair Bangerter

00:46:06 **Vote:** Motion carried unanimously by voice vote. Rep. Berry voted by proxy.

EXECUTIVE ACTION ON HB 455

00:46:27 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 455 DO PASS.** Motion carried unanimously by voice vote. Rep. Berry voted by proxy.

00:47:37 Chair Bangerter
 00:47:42 Rep. McNiven
 00:47:54 Chair Bangerter

 00:47:58 Recessed.
 01:03:23 Reconvened.

 01:03:31 Chair Bangerter

HEARING ON HB 437

Opening Statement by Sponsor:

01:03:46 Rep. Jonathan McNiven (R), HD 44, opened the hearing on HB 437, Allow county to create improvement district for certain purposes

EXHIBIT(lah37a10)

01:07:08 Chair Bangerter

Proponents' Testimony

:01:07:12 Dan Schwarz, Deputy County Attorney, Yellowstone County
 01:10:58 Bob Reel, Lockwood Steering Committee and Lockwood Transportation District
 01:11:55 Darold Dent, Self
 01:14:26 Greg Chilcott, Montana Association of Counties (MACo)
 01:15:07 Don Reed, Lockwood Steering Committee (LSC)
 01:15:33 Chair Bangerter

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:17:43 Rep. Moore
 01:17:47 Chair Bangerter
 01:17:51 Rep. Moore
 01:17:57 Rep. McNiven
 01:18:30 Chair Bangerter
 01:18:33 Rep. Ingraham
 01:19:01 Mr. Schwarz, Deputy County Attorney, Yellowstone County
 01:19:14 Rep. Ingraham
 01:19:18 Mr. Schwarz, Deputy County Attorney, Yellowstone County
 01:19:55 Rep. Ingraham
 01:20:33 Mr. Schwarz, Deputy County Attorney, Yellowstone County
 01:21:51 Rep. Ingraham
 01:21:56 Chair Bangerter
 01:21:59 Rep. Schwaderer
 01:22:04 Rep. McNiven
 01:22:12 Rep. Schwaderer
 01:22:42 Rep. McNiven
 01:23:45 Rep. Schwaderer

Closing by Sponsor:

01:23:52 Rep. McNiven
01:24:44 Chair Bangerter closed hearing.

HEARING ON HB 465**Opening Statement by Sponsor:**

01:24:54 Rep. Joanne Blyton (R), HD 59, opened the hearing on HB 465, Increase certain county clerk fees.
01:29:02 Chair Bangerter

Proponents' Testimony:

01:29:08 Regina Plettenberg, Montana Association of Clerk and Recorders (MACR)
01:31:42 Chair Bangerter

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

01:32:04 Rep. McNally
01:32:17 Rep. Blyton
01:33:17 Chair Bangerter
01:33:21 Ms. Plettenberg, MACR
01:33:46 Chair Bangerter
01:33:50 Rep. Schwaderer
01:33:58 Rep. Blyton
01:34:04 Rep. Schwaderer
01:34:23 Rep. Blyton
01:34:53 Chair Bangerter

Closing by Sponsor:

01:34:58 Rep. Blyton
01:35:25 Chair Bangerter closed hearing.

HEARING ON HB 451**Opening Statement by Sponsor:**

01:35:39 Rep. Wylie Galt (R), HD 83, opened the hearing on HB 451, Revise fire warden laws.
01:36:03 Chair Bangerter

Proponents' Testimony:

01:36:13 Rick Seibnitz, Fire Warden, Meagher County
01:39:06 Chair Bangerter
01:39:13 Greg Chilcott, MACo .
01:40:11 Leonard Lundby, Montana Fire Alliance (MFA)
01:40:42 Chair Bangerter

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:40:55 Chair Bangerter
01:40:59 Rep. O'Neil
01:41:05 Rep. Galt
01:41:23 Mr. Seibitz, Fire Warden, Meagher County
01:42:03 Rep. O'Neil
01:42:06 Mr. Seibitz, Fire Warden, Meagher County
01:42:44 Chair Bangerter

Closing by Sponsor:

01:42:50 Rep. Galt
01:42:57 Chair Bangerter closed hearing.

HEARING ON HB 461

Opening Statement by Sponsor:

01:43:07 Rep. Ed Lieser (D), HD 4, opened the hearing on HB 461, Increase pension for certain volunteer firefighters.

EXHIBIT(loh37a11)

01:48:02 Chair Bangerter

Proponents' Testimony:

01:48:25 Robert DePrata, Volunteer Fire Department, Whitefish
01:53:01 Chair Bangerter
01:53:05 Leonard Lundby, MFA
01:54:32 Alec Hansen, Montana League of Cities and Towns (MLCT)
01:57:01 Chair Bangerter
01:57:06 Pat Keim, Self
01:57:47 Chair Bangerter

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:59:07 Chair Bangerter
01:59:11 Rep. O'Neil
01:59:15 Mr. Hansen, MLCT
02:01:17 Rep. O'Neil
02:01:32 Mr. Hansen
02:01:52 Chair Bangerter

Closing by Sponsor:

02:01:57 Rep. Lieser
02:03:07 Chair Bangerter

HEARING ON HB 426**Opening Statement by Sponsor:**

02:03:22 Rep. Doug Kary (R), HD 48, opened the hearing on HB 426, Revise unit ownership laws per conversion of condo to townhouse.
02:07:24 Chair Bangerter

Proponents' Testimony:

02:07:42 Tom Llewellyn, Self
02:20:20 Joe Roberts, Montana Association of Realtors (MAR)
02:22:07 Chair Bangerter

Opponents' Testimony:

02:22:15 William Gowen, Montana Land Title Association (MLTA)
02:26:35 Cynthia Monteau Moore, Department of Revenue (DOR)

EXHIBIT(loh37a12)

02:28:21 Rep. Brockie left the meeting.
02:30:44 Carol Kirby, MLTA.
02:32:19 Steve Turkiewicz, Montana Bankers Association (MBA)
02:34:06 Ted Lovec, American Title Insurance (AMI)

Informational Testimony: None

Questions from Committee Members and Responses:

02:38:33 Chair Bangerter
02:38:37 Rep. Ingraham
02:38:43 Mr. Lovec, AMI
02:41:41 Chair Bangerter
02:41:46 Rep. Zolnikov
02:41:53 Mr. Lovec, AMI
02:42:06 Chair Bangerter
02:42:12 Rep. McNally
02:42:28 Mr. Gowen, MLTA
02:44:14 Chair Bangerter
02:44:17 Rep. Moore
02:44:33 Mr. Turkiewicz, MBA
02:44:59 Chair Bangerter

Closing by Sponsor:

02:45:07 Rep. Kary
02:47:04 Chair Bangerter

HEARING ON HB 476**Opening Statement by Sponsor:**

02:48:00 Rep. Amanda Curtis (D), HD 76, opened the hearing on HB 476, Add cost of living adjustment for volunteer firefighters.

EXHIBIT(loh37a13)

EXHIBIT(loh37a14)

EXHIBIT(loh37a15)

02:52:37 Chair Bangerter

Proponents' Testimony:

02:52:46 Mike Doto, Montana State Volunteer Firefighters Association (MSVFA)

02:55:11 Chair Bangerter

02:55:15 Leonard Lundby, MFA

Opponents' Testimony:

02:55:59 Melanie Symons, Montana Public Employees Retirement Board (MPERA)

Informational Testimony:

02:59:34 None

Questions from Committee Members and Responses:

02:59:40 Chair Bangerter

02:59:43 Rep. Fitzpatrick

02:59:51 Rep. Curtis

03:00:00 Rep. Fitzpatrick

03:00:58 Rep. Curtis

03:01:47 Chair Bangerter

03:01:50 Rep. Wilson

03:02:04 Rep. Curtis

03:02:26 Chair Bangerter

03:02:49 Rep. Steenberg

03:03:00 Ms. Symons

03:03:18 Rep. Steenberg

03:03:23 Ms. Symons

03:03:33 Chair Bangerter

03:03:36 Rep. O'Neil

03:03:40 Ms. Symons

03:04:02 Rep. O'Neil

03:04:13 Ms. Symons

03:04:41 Chair Bangerter

Closing by Sponsor:

03:04:48 Rep. Curtis

03:05:56 Chair Bangerter

HEARING ON HB 497

Opening Statement by Sponsor:

03:06:07 Rep. Kerry White (R), HD 70, opened the hearing on HB 497, Restrict certain municipal ordinance penalties.

03:08:48 Chair Bangerter

Proponents' Testimony:

03:08:57 John Sinrud, Montana Landlords Association (MLA)

EXHIBIT(loh37a16)

03:14:36 Mickey Linafelt, MLA

03:14:44 Bill Staffeldt, MLA

03:18:36 Chair Bangerter
03:18:40 Gayle Brown, Self
03:19:38 Cleora Lodge, Self
03:21:28 Chair Bangerter
03:21:34 Greg Chadwick, MLA
03:23:07 Chair Bangerter
03:23:12 Sharon Lodge, Self
03:24:42 Chair Bangerter

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

03:25:00 Chair Bangerter
03:25:04 Rep. Ingraham
03:25:11 Mr. Sinrud, MLA
03:25:21 Rep. Ingraham
03:25:36 Mr. Sinrud, MLA
03:26:33 Chair Bangerter
03:26:36 Rep. Wilson
03:27:30 Mr. Sinrud, MLA
03:28:47 Chair Bangerter
03:28:51 Rep. Lavin
03:29:28 Mr. Sinrud, MLA
03:30:21 Chair Bangerter

Closing by Sponsor:

03:30:28 Rep. White

03:32:40 Chair Bangerter

ADJOURNMENT

Adjournment: 03:34:09

Sally Speer, Secretary

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Additional Documents:

EXHIBIT([loh37aad.pdf](#))