

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 64th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Edward Greef, on February 19, 2015 at 3:00 PM, in Room 172
Capitol

ROLL CALL

Members Present:

Rep. Edward Greef, Chair (R)
Rep. Steve Fitzpatrick, Vice Chair (R)
Rep. Kathy Swanson, Vice Chair (D)
Rep. Tom Berry (R)
Rep. Geraldine Custer (R)
Rep. Moffie Funk (D)
Rep. Frank Garner (R)
Rep. Denise Hayman (D)
Rep. Kathy Kelker (D)
Rep. Debra Lamm (R)
Rep. Steve Lavin (R)
Rep. Forrest Mandeville (R)
Rep. Nate McConnell (D)
Rep. Christopher Pope (D)
Rep. Vince Ricci (R)
Rep. Tom Richmond (R)
Rep. Nicholas Schwaderer (R)
Rep. Tom Steenberg (D)
Rep. Nancy Wilson (D)
Rep. Daniel Zolnikov (R)

Members Excused: None

Members Absent: None

Staff Present: Ginger Aldrich, Legislative Branch
Noah Horan, 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 395, 2/19/2015; HB 484, 2/19/2015; HB 504, 2/19/2015; HB 543, 2/19/2015; HB 548, 2/19/2015; HB 555, 2/19/2015
Executive Action: HB 164, HB 395, HB 441, HB 484, HB 504, HB 523, HB 543, HB 548, HB 555

HEARING ON HB 395

Opening Statement by Sponsor:

00:02:08 Rep. David (Doc) Moore (R), HD 92, opened the hearing on HB 395, Revise laws and rules related to public swimming pools and spas.

Proponents' Testimony:

00:03:44 Stuart Doggett, Montana Lodging Hospitality Association

00:05:43 Brent Olson, Come On Inn

00:07:47 Mike Green, Crowley Fleck Law Firm

Opponents' Testimony:

00:10:36 Jim Murphy, Montana Department of Public Health and Human Services (DPHHS)

00:16:00 Jim Carlson, City County Health Department

Informational Testimony: None

Questions from Committee Members and Responses:

00:20:34 Rep. Kelker

00:21:07 Jim Murphy, DPHHS

00:23:01 Rep. Kelker

00:23:22 Jim Murphy, DPHHS

00:23:38 Rep. Wilson

00:25:11 Jim Murphy, DPHHS

00:26:45 Rep. Lamm

00:26:48 Mike Green, Crowley Fleck

00:27:26 Rep. Lamm

00:27:44 Mike Green, Crowley Fleck

00:28:02 Rep. Garner

00:28:44 Rep. Moore

00:29:08 Rep. Garner

00:29:23 Rep. Moore

00:29:38 Rep. Pope

00:30:18 Jim Murphy, DPHHS

00:31:05 Chair Greef

00:31:43 Jim Murphy, DPHHS

Closing by Sponsor:

00:32:33 Rep. Moore

00:34:29 Chair Greef

HEARING ON HB 543

Opening Statement by Sponsor:

00:35:22 Rep. David (Doc) Moore (R), HD 92, opened the hearing on HB 543, Revise local board of health laws regarding septic permits.

Proponents' Testimony:

00:37:15 Amy Fisher, Montana Association of Realtors (MAR)

[EXHIBIT\(lah38a01\)](#)

Opponents' Testimony: None

Informational Testimony:

00:40:02 Jim Carlson, City County Health Department

00:43:03 Barb Kingery, Montana Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

00:43:28 Rep. Schwaderer

00:44:14 Rep. Moore

00:45:07 Amy Fisher, MAR

00:45:59 Rep. Hayman

00:46:51 Barb Kingery, DEQ

00:49:23 Rep. Hayman

00:49:56 Barb Kingery, DEQ

00:50:13 Rep. Lavin

00:51:16 Amy Fisher, MAR

00:52:29 Rep. Garner

00:53:36 Rep. Moore

00:53:40 Rep. Pope

00:54:39 Barb Kingery, DEQ

00:55:40 Rep. Pope

00:56:33 Barb Kingery, DEQ

00:57:36 Rep. Custer

00:59:05 Barb Kingery, DEQ

00:59:58 Rep. Custer

01:00:08 Barb Kingery, DEQ

Closing by Sponsor:

01:00:24 Rep. Moore

HEARING ON HB 484**Opening Statement by Sponsor:**

01:02:03 Rep. Steve Lavin (R), HD 8, opened the hearing on HB 484, Require certain delivery and disclosure of utility bills.

Proponents' Testimony:

01:04:01 John Sinrud, Montana Landlords Association (MLA)

01:07:35 Rick Linafelter, Self

Opponents' Testimony:

01:09:38 Gary Wiens, Montana Electric Cooperatives Association (MECA)

01:12:18 Mike Green, MDU Resources

01:14:28 John MacDonald, City of Missoula

Informational Testimony:

01:17:50 Ginger Aldrich, Legislative Services Division (LSD)

Questions from Committee Members and Responses:

01:18:40 Rep. McConnell
01:20:18 Rep. Lavin
01:20:51 Rep. McConnell
01:21:08 Rep. Lavin
01:21:43 Rep. Mandeville
01:21:57 Rep. Lavin
01:23:01 Rep. Custer
01:23:43 Gary Wiens, MECA
01:23:55 Rep. Custer
01:25:00 Rep. Kelker
01:25:20 John Sinrud, MLA

Closing by Sponsor:

01:29:39 Rep. Lavin

HEARING ON HB 504**Opening Statement by Sponsor:**

01:30:33 Rep. Denise Hayman (D), HD 66, opened the hearing on HB 504, Revise laws related to consolidation of rural fire districts and areas.

Proponents' Testimony:

01:32:24 Walt Zidack, Fire Districts Board

[EXHIBIT\(loh38a02\)](#)

[EXHIBIT\(loh38a03\)](#)

01:37:30 Dave Kraft, Sourdough Fire District

[EXHIBIT\(loh38a04\)](#)

01:39:56 Chuck Wyman, Sourdough Fire Department

[EXHIBIT\(loh38a05\)](#)

01:42:36 Pat Wilson, Self

01:44:07 Carmen McSpadden, Self

01:44:42 Jason Rivici, Sourdough Fire Department

01:46:06 Christopher Gray, Gallatin County

01:47:09 Rich Cowger, Columbus Rural Fire District; Montana Fire Chiefs Association

01:47:38 Harold Blattie, Montana Association of Counties (MACo)

01:48:10 Tom Kuntz, Red Lodge Fire District

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

01:48:34 Rep. Hayman

HEARING ON HB 548

Opening Statement by Sponsor:

01:49:42 Rep. Forrest Mandeville (R), HD 57, opened the hearing on HB 548, Revise laws regarding exemptions for certain divisions of land.

Proponents' Testimony:

01:54:35 Bill Van Canagan, Montana Association of Realtors (MAR)

[EXHIBIT\(loh38a06\)](#)

[EXHIBIT\(loh38a07\)](#)

01:59:01 Rob Brock, Self

[EXHIBIT\(loh38a08\)](#)

Opponents' Testimony:

02:03:08 Tara DePuy, Montana Association of Counties (MACo)

[EXHIBIT\(loh38a09\)](#)

02:04:38 Hollie Lund, Montana Association of Planners (MAP)

Informational Testimony:

02:05:30 Barb Kingery, Montana Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

02:05:48 Rep. McConnell

02:05:58 Bill van Canagan, MAR

02:06:46 Rep. Kelker

02:06:56 Tara DePuy, MACo

Closing by Sponsor:

02:08:47 Rep. Mandeville

HEARING ON HB 555

Opening Statement by Sponsor:

02:10:33 Rep. Steve Fitzpatrick (R), HD 20, opened the hearing on HB 555, Generally revise laws related to volunteer firefighters.

Proponents' Testimony:

02:11:19 Tom Kuntz, Red Lodge Fire Department

02:13:28 Rich Cowger, Columbus Rural Fire District

02:14:59 Leonard Lundby, Montana State Volunteer Firefighters Association

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

02:15:43 Rep. Ricci
02:16:00 Tom Kuntz, Red Lodge Fire Department
02:16:43 Rep. Ricci
02:16:51 Tom Kuntz, Red Lodge Fire Department
02:17:01 Rep. Ricci
02:17:08 Tom Kuntz, Red Lodge Fire Department
02:17:20 Rep. Garner
02:17:40 Rep. Fitzpatrick
02:17:54 Chair Greef
02:18:23 Rich Cowger, Columbus Rural Fire District
02:19:10 Chair Greef
02:19:29 Rep. Schwaderer
02:20:17 Rep. Fitzpatrick
02:20:32 Rep. Schwaderer

Closing by Sponsor:

02:20:43 Rep. Fitzpatrick

02:20:56 Chair Greef
02:22:46 Rep. Schwaderer
02:23:11 Chair Greef
02:23:19 Rep. Lavin
02:23:30 Chair Greef
02:24:15 Ginger Aldrich, LSD

02:24:42 **Motion/Vote:** Rep. Schwaderer moved **TO SUSPEND THE RULES FOR THE DAY IN ORDER TO ALLOW AMENDMENTS**. Motion carried unanimously by voice vote.

02:25:16 Chair Greef
02:25:38 Ginger Aldrich, LSD
02:25:53 Chair Greef

02:26:10 Recess
03:03:52 Reconvened

03:03:58 Rep. Zolnikov
03:04:13 Chair Greef
03:04:22 Rep. Berry

03:04:43 Recess
03:07:07 Reconvened

EXECUTIVE ACTION ON HB 164

03:07:33 **Motion:** Rep. Fitzpatrick moved that **HB 164 DO PASS**.

03:07:58 **Motion:** Rep. Schwaderer moved that **HB 164 BE AMENDED.**
EXHIBIT(loh38a10)

03:09:16 Chair Greef
03:09:33 Ginger Aldrich, LSD
03:10:28 Chair Greef
03:10:40 Rep. Schwaderer
03:10:44 Chair Greef
03:10:52 Rep. Schwaderer
03:11:13 Chair Greef

03:11:25 **Vote:** Motion carried unanimously by voice vote.

03:11:54 **Motion:** Rep. Fitzpatrick moved that **HB 164 DO PASS AS AMENDED.**

Discussion:

03:12:03 Rep. Zolnikov
03:12:24 Rep. Schwaderer

03:12:41 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 395

03:13:11 **Motion:** Rep. Fitzpatrick moved that **HB 395 DO PASS.**

Discussion:

03:13:47 Rep. Swanson
03:14:38 Rep. Fitzpatrick
03:15:19 Rep. Funk
03:15:58 Chair Greef
03:16:32 Brent Olson, Come On Inn

03:18:27 **Vote:** Motion carried 13-7 by roll call vote with Rep. Hayman, Rep. Kelker, Rep. McConnell, Rep. Pope, Rep. Steenberg, Rep. Swanson and Rep. Wilson voting no.

EXECUTIVE ACTION ON HB 441

03:19:59 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 441 DO PASS.** Motion carried 14-6 by roll call vote with Rep. Berry, Rep. Custer, Rep. Lavin, Rep. Mandeville, Rep. Ricci and Rep. Schwaderer voting no.

EXECUTIVE ACTION ON HB 484

03:22:09 **Motion:** Rep. Fitzpatrick moved that **HB 484 DO PASS.**

03:22:16 **Motion:** Rep. Lavin moved that **HB 484 BE AMENDED.**
EXHIBIT(loh38a11)

03:23:54 Ginger Aldrich, LSD

- 03:24:21 Chair Greef
03:24:32 Ginger Aldrich, LSD
03:24:45 Chair Greef
03:25:02 Rep. Garner
03:25:20 Ginger Aldrich, LSD
03:25:30 Chair Greef
- 03:25:32 **Motion/Vote:** Rep. Fitzpatrick moved that **NON-SUBSTANTIVE CHANGES TO AMENDMENTS BE ALLOWED**. Motion carried unanimously by voice vote.
- 03:26:09 Chair Greef
03:26:18 Ginger Aldrich, LSD
03:26:27 Chair Greef
03:26:36 Rep. McConnell
03:27:08 Ginger Aldrich, LSD
03:27:25 Chair Greef
03:27:30 Ginger Aldrich, LSD
- 03:27:36 **Motion:** Rep. Fitzpatrick moved that **AMENDMENT 048402.AKA BE AMENDED**.
- Discussion:**
- 03:28:02 Chair Greef
- 03:28:08 **Vote:** Motion carried unanimously by voice vote.
- 03:28:16 Chair Greef
03:28:44 Rep. Custer
03:29:27 Rep. Lavin
03:30:26 Chair Greef
03:30:34 Rep. Fitzpatrick
03:30:44 Rep. Schwaderer
03:31:12 Rep. McConnell
03:31:21 Chair Greef
03:31:48 Rep. Lavin
03:31:59 Chair Greef
- 03:32:17 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 484 BE AMENDED WITH AMENDMENT 048402.AKA AS AMENDED**. Motion carried 19-1 by voice vote with Rep. Hayman voting no.
- 03:32:55 **Motion:** Rep. Fitzpatrick moved that **HB 484 BE AMENDED**.
- Discussion:**
- 03:33:31 Rep. Zolnikov
[EXHIBIT\(loh38a12\)](#)
- 03:34:18 Rep. Lavin
03:34:37 Rep. Steenberg
03:35:10 Rep. Berry

03:35:37 **Vote:** Motion failed 6-14 by roll call vote with Rep. Berry, Rep. Custer, Rep. Fitzpatrick, Rep. Funk, Rep. Hayman and Rep. Mandeville voting aye.

03:37:22 **Motion:** Rep. Fitzpatrick moved that **HB 484 DO PASS AS AMENDED.**

Discussion:

03:37:31 Rep. Funk

03:38:12 Rep. Lavin

03:38:44 Rep. Pope

03:40:07 Rep. Berry

03:40:35 **Vote:** Motion failed 8-12 by roll call vote with Rep. Fitzpatrick, Rep. Garner, Rep. Lamm, Rep. Lavin, Rep. Mandeville, Rep. Richmond, Rep. Schwaderer and Rep. Zolnikov voting aye.

03:41:46 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 484 BE TABLED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 504

03:42:01 **Motion:** Rep. Fitzpatrick moved that **HB 504 DO PASS.**

Discussion:

03:42:30 Chair Greef

03:42:40 **Motion:** Rep. Fitzpatrick moved that **HB 504 BE AMENDED.**

Discussion:

03:43:22 Ginger Aldrich, LSD

03:44:11 Chair Greef

03:44:14 Rep. Hayman

03:44:24 Chair Greef

03:44:27 Rep. Hayman

03:45:05 Chair Greef

03:45:42 Harold Blattie, Montana Association of Counties (MACo)

03:48:02 Chair Greef

03:48:08 Rep. Custer

03:48:24 Chair Greef

03:48:35 **Vote:** Motion carried unanimously by voice vote.

03:48:58 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 504 DO PASS AS AMENDED.** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 523

03:50:08 **Motion:** Rep. Fitzpatrick moved that **HB 523 DO PASS.**

Discussion:

03:50:15 Chair Greef

03:50:25 Rep. Schwaderer

03:50:38 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 543

03:51:07 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 543 BE TABLED**. Motion carried unanimously by voice vote.

03:51:44 Rep. Schwaderer

EXECUTIVE ACTION ON HB 548

03:52:04 **Motion:** Rep. Fitzpatrick moved that **HB 548 DO PASS**.

03:52:29 **Motion:** Rep. Mandeville moved that **HB 548 BE AMENDED**.

Discussion:

03:52:57 Ginger Aldrich, LSD

03:53:27 Rep. Mandeville

03:53:56 **Vote:** Motion carried unanimously by voice vote.

03:54:16 **Motion/Vote:** Rep. Fitzpatrick moved that **HB 548 DO PASS AS AMENDED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 555

03:55:09 **Motion:** Rep. Fitzpatrick moved that **HB 555 DO PASS**.

Discussion:

03:55:13 Ginger Aldrich, LSD

03:55:51 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 03:56:41

Noah Horan, Secretary

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Additional Documents:

EXHIBIT([loh38aad.pdf](#))