

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

Business Page

[Signed by Chairman]

Roll Call

Standing Committee Reports

Tabled Bills

Fiscal Reports

Rolls Call Votes

Proxy Forms

Visitor Registrations

***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
64th LEGISLATURE - REGULAR SESSION**

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Thursday, February 12, 2015
Place: Capitol

Time: 3:00 PM
Room: 172

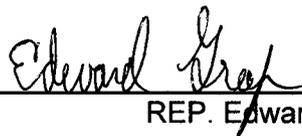
BILLS and RESOLUTIONS HEARD:

HB 334 - Generally revise laws applicable to county government - Rep. Rob Cook
HB 366 - Revise county district court clerk and justice of peace compensation laws - Rep. Geraldine Custer
HB 385 - Revise cash donation in lieu of land for park dedication requirement - Rep. Zach Brown

EXECUTIVE ACTION TAKEN:

HB 308 - BE TABLED
HB 357 - BE TABLED
HB 367 - DO PASS
HB 380 - BE TABLED

Comments: None



REP. Edward Greef, Chair



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOV. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 357

DATE 2/12/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. STEVE FITZPATRICK, VICE CHAIRMAN		X	
REP. KATHY SWANSON, VICE CHAIR		X	
REP. TOM BERRY	X	X	
REP. GERALDINE CUSTER		X	
REP. MOFFIE FUNK		X	
REP. FRANK GARNER		X	
REP. DENISE HAYMAN		X	X
REP. KATHY KELKER		X	
REP. DEBRA LAMM	X		X
REP. STEVE LAVIN	X		
REP. FORREST MANDEVILLE	X		
REP. NATE MCCONNELL		X	
REP. CHRISTOPHER POPE		X	
REP. VINCE RICCI	X		
REP. TOM RICHMOND	X		
REP. NICHOLAS SCHWADERER	X		X
REP. TOM STEENBERG		X	
REP. NANCY WILSON		X	
REP. DANIEL ZOLNIKOV	X		
REP. EDWARD GREEF, CHAIRMAN	X		

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOV. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 308

DATE 2/12/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. STEVE FITZPATRICK, VICE CHAIRMAN		X	
REP. KATHY SWANSON, VICE CHAIR		X	
REP. TOM BERRY		X	
REP. GERALDINE CUSTER		X	
REP. MOFFIE FUNK		X	
REP. FRANK GARNER		X	
REP. DENISE HAYMAN		X	X
REP. KATHY KELKER		X	
REP. DEBRA LAMM	X		T
REP. STEVE LAVIN	T		
REP. FORREST MANDEVILLE		T	
REP. NATE MCCONNELL	X		
REP. CHRISTOPHER POPE		T	
REP. VINCE RICCI		T	
REP. TOM RICHMOND	X		
REP. NICHOLAS SCHWADERER		T	X
REP. TOM STEENBERG		T	
REP. NANCY WILSON		T	
REP. DANIEL ZOLNIKOV		T	
REP. EDWARD GREEF, CHAIRMAN		X	

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOV. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 367

DATE 2/12/15

MOTION DO PASS

NAME	AYE	NO	PROXY
REP. STEVE FITZPATRICK, VICE CHAIRMAN	X		
REP. KATHY SWANSON, VICE CHAIR	X		
REP. TOM BERRY	X		
REP. GERALDINE CUSTER	X		
REP. MOFFIE FUNK	X		
REP. FRANK GARNER	X		
REP. DENISE HAYMAN	X		X
REP. KATHY KELKER	X		
REP. DEBRA LAMM		X	X
REP. STEVE LAVIN		X	
REP. FORREST MANDEVILLE		X	
REP. NATE MCCONNELL	X		
REP. CHRISTOPHER POPE	X		
REP. VINCE RICCI	X		
REP. TOM RICHMOND	X		
REP. NICHOLAS SCHWADERER		X	X
REP. TOM STEENBERG	X		
REP. NANCY WILSON	X		
REP. DANIEL ZOLNIKOV		X	
REP. EDWARD GREEF, CHAIRMAN	X		

20 MEMBERS



HOUSE STANDING COMMITTEE REPORT

February 12, 2015

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 367** (first reading copy -
- white) **do pass**.

Signed: Edward Grief
Representative Edward Grief, Chair

- END -

Committee Vote:

Yes 15, No 5

Fiscal Note Required X

HB0367001SC.hbb



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Local Government Committee because of other commitments. I desire to leave my proxy vote with:

Kathy Swanson

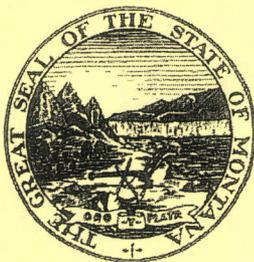
Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

Table with columns: BILL/AMENDMENT, AYE, NO. Handwritten entries: 308 (No), 357 (No), 367 (Aye), 380 380 (No), To table (Aye).

Table with columns: BILL/AMENDMENT, AYE, NO. Empty table for additional entries.

Rep. Denise Fayman (Signature)

Date 2-12-15



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

AUTHORIZED COMMITTEE PROXY

I request to be excused from the Local Government

Committee because of other commitments. I desire to leave my proxy vote with: Steve Filipek

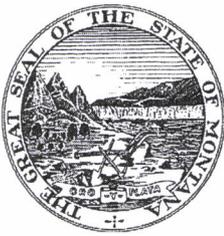
Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

Table with columns: BILL/AMENDMENT, AYE, NO. Rows include HB 308, HB 357, HB 367, HB 038001, etc.

Table with columns: BILL/AMENDMENT, AYE, NO. (Empty rows)

Rep. [Signature] (Signature)

Date 2/12/15



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOV. COMMITTEE

ROLL CALL

2/12/15

NAME	PRESENT	ABSENT/EXCUSED
REP. EDWARD GREEF, CHAIRMAN	X	
REP. STEVE FITZPATRICK, VICE CHAIRMAN	X	
REP. KATHY SWANSON, VICE CHAIR	X	
REP. TOM BERRY		X
REP. GERALDINE CUSTER	X	
REP. MOFFIE FUNK	X	
REP. FRANK GARNER	X	
REP. DENISE HAYMAN	X	
REP. KATHY KELKER	X	
REP. DEBRA LAMM		X
REP. STEVE LAVIN	X	
REP. FORREST MANDEVILLE	X	
REP. NATE MCCONNELL	X	
REP. CHRISTOPHER POPE	X	
REP. VINCE RICCI	X	
REP. TOM RICHMOND	X	
REP. NICHOLAS SCHWADERER		X
REP. TOM STEENBERG	X	
REP. NANCY WILSON	X	
REP. DANIEL ZOLNIKOV	X	

20 MEMBERS

BILL TABLED NOTICE

HOUSE LOCAL GOVERNMENT COMMITTEE

The HOUSE LOCAL GOVERNMENT COMMITTEE TABLED

HB 308 - Revise coal board and impact grant laws - Rep. Jeff Essmann

HB 357 - Require state agencies to coordinate with county local governments - Rep. Kerry White

HB 380 - Revise laws related to subdivisions and recreational camping vehicles - Rep. Mike Miller

by motion, on **Thursday, February 12, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Chief Clerk of the House)

6pm 2/12/15
(Time) (Date)

February 12, 2015 (5:49pm)

Noah Horan, Secretary

Phone: 444-1863



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOV. COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 380

DATE 5/21/15

MOTION ~~OPAA~~ TABLE

NAME	AYE	NO	PROXY
REP. STEVE FITZPATRICK, VICE CHAIRMAN	X		
REP. KATHY SWANSON, VICE CHAIR	X		
REP. TOM BERRY	X		
REP. GERALDINE CUSTER	X		
REP. MOFFIE FUNK	X		
REP. FRANK GARNER	X		
REP. DENISE HAYMAN	X		X
REP. KATHY KELKER	X		
REP. DEBRA LAMM	X		
REP. STEVE LAVIN		X	
REP. FORREST MANDEVILLE	X		
REP. NATE MCCONNELL	X		
REP. CHRISTOPHER POPE	X		
REP. VINCE RICCI	X		
REP. TOM RICHMOND	X		
REP. NICHOLAS SCHWADERER		X	X
REP. TOM STEENBERG	X		
REP. NANCY WILSON	X		
REP. DANIEL ZOLNIKOV	X		
REP. EDWARD GREEF, CHAIRMAN	X		

20 MEMBERS



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITORS REGISTER

LOCAL GOV. COMMITTEE

DATE 2-18-15

BILL NO: HB385

SPONSOR(S): Zack Brown

SHORT TITLE: Raise Cost Donation in lie of Land

Please leave prepared testimony with secretary.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Informat'l
John MacDonald	City of Missoula	✓		
Hollie Lund	MT Assoc. Planners	✓		
Chris Saunders	City of Bozeman	✓		
Mitch Chester	City of Bozeman	✓		
Chris A. Rukulski	City of Bozeman	✓		
Ed MARTLEY	CITY OF BILLINGS	✓		
DUSTIN Stewart	MBIA		X	
David L. Nielsen	MT League of Cities	X		
JACK WALSH	HBIA / MBIA		X	
Fun Farris-Olsen	MT Smart Growth Coalition	✓		

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Handwritten text, possibly a date or a specific reference, consisting of two lines of cursive script.

Handwritten text, possibly a name or a subject, consisting of two lines of cursive script.

Handwritten text, possibly a signature or a closing, consisting of two lines of cursive script.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITORS REGISTER

LOCAL GOV. COMMITTEE

DATE 2-12-15

BILL NO: HB 366

SPONSOR(S): Geraldine Custer

SHORT TITLE: Revise Compensation for district court clerk and justice of the peace

Please leave prepared testimony with secretary.

Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Inform ¹
Nancy Sweeney	Leeds & Clerk Clerk of Court	✓		
Shirley Faust	Missoula Co Clerk MAJDC	✓		
Judith Little	Park Co Clerk MAJDC	✓		
Lyn Fricke	LAKE CO	✓		
Jessie Connolly	Montana Magistrate's Ass	✓		
Mary "Marty" Rippen	MAJDC; MMA & Self	✓		
Jennifer Brandon	Gallatin County Clerk of Court District	✓		
Rick Cook	MAJDC President - Charlego County	✓		
Sandy Fox	Sullivan Co - MAJDC	✓		
Yvonne Delbrame	Cascade County Clerk of Court	✓		
Rockelle Young	Carbon Co - Clerk of Court	✓		
Carol Bohansen	Gronito Co. Clerk of Court	✓		
Jessie Kuegers	Anaconda-Deer Lodge Co,	✓		
Elizabeth T. Bell-Mavity	Rosebud Co - Clerk of Court	✓		
Marilyn Hollister	Taxpayers	✓		
Ruth L. Baker	Treasure Co. Clerk of Court	✓		
Hori Maloney	MAJDC - Butte Silver Butte	✓		
Lyn Fricke	LAKE County	✓		
HAROLD BLOTTIE	MAJDC	✓		

**ADDITIONAL
DOCUMENTS**

Erin Farris-Olsen
Smart Growth Coalition

**HB 380 - Removing Subdivision Review for the Creation of 20 or Less RVs
or Mobile Home Spaces for Rent or Lease.**

How is HB 380 different from the limited review required for subdivisions for lease or rent of "buildings" (bill passed in 2013)?

The rental of buildings or units of buildings, i.e. dude ranches, is not reviewed under the Subdivision and Platting Act. The rental of buildings or units of buildings, is reviewed under the Building for Lease or Rent law found in Title 76, Chapter 8. HB 380 applies to land is being rented, not a "building."

What public health and safety review exists for RV and Mobile home spaces?

Montana DEQ reviews RV or Mobile Home spaces for sanitation, water, storm water and solid waste and only if the spaces are permanent as defined in Section 76-4-102(16), MCA. Montana DEQ does not review work camps (which can be created using RVs and/or Mobile Homes) because they do not consider them permanent.

Even if DEQ reviews these RV or Mobile Home spaces, it does not have a process for public notice and public hearing¹. The process for public notice and a public hearing to gather comments on sanitation and water is within the Montana Subdivision and Platting Act, 76-3-604(7), MCA, which would no longer apply under HB 380. This violates the Montana State Constitution, Article II, Section 8 Right of Participation.

The Department of Public Health and Human Services does not review water, sanitation, storm water and solid waste in the licensing process for RV Park or Mobile Home Parks if the Park is not a subdivision as set forth in its Administrative Rules, 37.11.205(1)(c).

Richland County Example: DEQ has not been reviewing the illegal RV Parks because they consider most of these RV Parks not "permanent." If the Subdivision and Platting Act does not apply, County Commissioners lose their only tool to address the drastic impacts on public health and safety as well as roads and local services.

¹ Title 76, Chapter 4

What is the difference between illegally parked R.V.s and an R.V. park?

Twenty RVs parked haphazardly on a tract of land is an RV Park if spaces of land are being rented or leased.

Proponent: Individual concerned on cost of going through subdivision review in Lewis and Clark County for the expansion of an existing Mobile Home Park.

Opponents: Montana Association of Counties, the Montana Association of Planners, Montana Smart Growth Coalition, the United Property Owners and the Richland County and numerous other county commissioners.

Reasons to Oppose:

1. **Private Property Rights.** HB 380 affects private property rights of the neighbors and those RV and Mobile Home Park owners who went through review and would have unfair and unjust business competition.
2. **Public Health and Safety.** Sometimes a local concern can bring to light a problem that needs to be solved state-wide; and sometimes it can have the opposite effect and cause drastic impacts for other counties in Montana. HB 380, while perhaps attempting to solve a local concern, if enacted will lead to public health and safety issues across the State that will take years to address and solve.
3. **Picture this.** Someone with 5 acres on a recreational lake, stream or river can transfer one acre to each of his or her 4 children through the family transfer exemption from subdivision review. Under current law, space for one R.V. or mobile home could be rented on each of the one-acre tracts. Under HB 380, each of the one-acre tracts could be further divided into 20 spaces for lease or rent to RVs or Mobile Homes effectively creating a 100 space RV or Mobile Home Park with no review by the county and no public input on the impacts. The local government can expect any number of R.V. or mobile home spaces allowed through HB 380 to be multiplied by four without undergoing subdivision review.