

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Geraldine Custer, on February 23, 2021 at 3:00 PM, in Room 472 Capitol

ROLL CALL

Members Present:

Rep. Geraldine Custer, Chair (R)
Rep. Larry Brewster, Vice Chair (R)
Rep. Mary Ann Dunwell, Vice Chair (D)
Rep. Marta Bertoglio (R)
Rep. Dave Fern (D)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Derek J. Harvey (D)
Rep. Kelly Kortum (D)
Rep. Mark Thane (D)
Rep. Kathy Whitman (R)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Frank Fleming (R)
Rep. Donavon Hawk (D)
Rep. Scot Kerns (R)
Rep. Jeremy Trebas (R)

Members Absent: None

Staff Present:

Cristen Friede, Committee Secretary
Toni Henneman, Legislative Service Division
Leigha Bradford, Remote Meeting Coordinator

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, 2/9/2021; HB 422, 2/9/2021; HB 444, 2/9/2021

HEARING ON HB 444**Opening Statement by Sponsor:**

15:08:32 Rep. Edward Buttrey (R), HD 21, opened the hearing on HB 444, Revise subdivisions of land exempted from sanitation in subdivision review.

Proponents' Testimony:

15:10:00 John Sinrud, self

15:12:11 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

Opponents' Testimony: None**Informational Testimony:**

15:13:39 Kevin Smith, Department of Environmental Quality (DEQ)

Questions from Committee Members and Responses:

15:14:01 Rep. Fern

15:14:52 Kevin Smith, DEQ

15:15:36 Vice Chair Dunwell

15:16:18 Kevin Smith, DEQ

Closing by Sponsor:

15:17:35 Rep. Buttrey

15:18:56 Rep. Galloway

HEARING ON HB 422**Opening Statement by Sponsor:**

15:19:26 Rep. Kelly Kortum (D), HD 65, opened the hearing on HB 422, Authorize municipalities to operate broadband utilities.

Proponents' Testimony:

15:20:28 John MacDonald, City of Bozeman

[EXHIBIT\(loh38a01\)](#)

15:21:25 Adriane Cotton, AARP Montana

15:22:45 Kevin Hamm, Treasure State Internet

15:24:00 Brit Fontenot, City of Bozeman

15:25:56 Kelly Lynch, Montana League of Cities and Towns (MLCT)

Opponents' Testimony:

15:27:16 Jeff Feiss, Montana Telecommunication Association (MTA)

[EXHIBIT\(loh38a02\)](#)

15:31:39 Tom Ebzery, Centrylink

15:35:09 Melissa Louis, Charter Spectrum

15:36:10 Jason Pond, Grizzly Broadband

Informational Testimony: None

Questions from Committee Members and Responses:

15:37:53 Vice Chair Brewster
15:38:18 Rep. Kelly
15:38:47 Vice Chair Dunwell
15:41:09 Kevin Hamm, Treasure State Internet
15:42:20 Rep. Fern
15:43:39 Kevin Hamm, Treasure State Internet
15:44:23 Rep. Fern
15:46:19 Jeff Feiss, MTA
15:47:35 Rep. Galloway
15:48:27 Melissa Pond, Charter Spectrum
15:49:41 Jeff Feiss, MTA
15:51:09 Vice Chair Dunwell
15:51:39 Kelly Lynch, MLCT
15:53:30 Vice Chair Dunwell
15:54:31 Kevin Hamm, Treasure State Internet
15:57:27 Rep. Harvey
15:58:18 Kelly Lynch, MLCT
15:58:47 Rep. Galloway
15:59:07 Jeff Feiss, MTA
16:01:22 Rep. Harvey
16:01:46 Jeff Feiss, MTA
16:02:03 Rep. Thane
16:02:43 Jeff Feiss, MTA
16:03:59 Rep. Galloway
16:04:57 Vice Chair Brewster
16:08:45 Rep. Fern
16:09:32 Jeff Feiss, MTA
16:11:09 Chair Custer
16:12:15 Jeff Feiss, MTA
16:13:34 Rep. Galloway
16:14:03 Rep. Kortum
16:15:04 Rep. Galloway
16:15:51 Rep. Gist
16:16:22 Jeff Feiss, MTA

Closing by Sponsor:

16:18:25 Rep. Kortum

HEARING ON HB 395**Opening Statement by Sponsor:**

16:23:15 Rep. Julie Dooling (R), HD 70, opened the hearing on HB 395, Prohibit the creation of new zoning districts during a state of emergency.

[EXHIBIT\(lah38a03\)](#)**Proponents' Testimony:**

16:30:24 Steve Gibson, self
16:33:56 Lon Albers, self
16:35:15 John Herrin, self

16:40:42 Donna Elford, self
16:42:40 Jim Dusenberry, self
16:46:43 Karl Christians, Lewis and Clark County Farm Bureau
16:51:22 Mike Murphy, self
16:52:28 Steve Netschert, self
16:54:31 Mike Boyle, self
16:55:37 Farren Flynn, self
16:57:40 Mark Diehl, self

Opponents' Testimony:

17:01:52 John MacDonald, Cities of Bozeman and Missoula
17:06:55 Commissioner Jim McCormick, Lewis and Clark County
17:10:46 Derf Johnson, Montana Environmental Information Center (MEIC)
17:13:05 Monica Plecker, City of Billings, Montana Association of Planners (MAP)
17:16:56 Andrew Hagemeyer, Missoula County
17:20:19 Peter Italiano, Lewis and Clark County
17:28:30 Rep. Harvey
17:29:38 Wyeth Friday, City of Billings
17:31:51 Richard Thweatt, self
17:35:40 Tara DePuy, Montana Association of Counties (MACo)

Informational Testimony: None

Questions from Committee Members and Responses:

17:37:32 Rep. Fern
17:38:07 Tara DePuy, MACo
17:39:09 Rep. Thane
17:39:58 Rep. Dooling
17:40:47 Rep. Gunderson
17:42:20 Rep. Dooling
17:43:04 Vice Chair Dunwell
17:44:43 Peter Italiano, Lewis and Clark County

Closing by Sponsor:

17:45:49 Rep. Dooling
17:46:03 Rep. Galloway left the meeting

17:47:03 Chair Custer
17:47:45 Vice Chair Dunwell

17:48:08 Recess
17:56:17 Reconvene with Rep. Trebas present

17:56:35 Toni Henneman, Legislative Services Division (LSD)

EXECUTIVE ACTION ON HB 196

17:57:54 **Motion:** Rep. Brewster moved that **HB 196 DO PASS.**
17:58:10 **Motion:** Rep. Brewster moved that **HB 196 BE AMENDED.**

EXHIBIT(loh38a04)**Discussion:**

17:58:28 Rep. Fern
17:58:48 Rep. Gunderson
17:59:00 Rep. Bertoglio

17:59:31 **Vote:** Motion carried unanimously by voice vote. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy.

17:59:53 **Motion/Vote:** Rep. Zolnikov moved that **HB 196 BE TABLED**. Motion carried 16-1 by voice vote with Rep. Bertoglio voting no. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy.

EXECUTIVE ACTION ON SB 80

18:01:23 **Motion/Vote:** Rep. Brewster moved that **SB 80 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy. Rep. Regier will carry the bill.

EXECUTIVE ACTION ON SB 123

18:02:32 **Motion/Vote:** Rep. Brewster moved that **SB 123 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy. Rep. Regier will carry the bill.

EXECUTIVE ACTION ON SB 125

18:03:32 **Motion/Vote:** Rep. Brewster moved that **SB 125 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy. Rep. Custer will carry the bill.

EXECUTIVE ACTION ON HB 444

18:05:17 **Motion/Vote:** Rep. Brewster moved that **HB 444 DO PASS**. Motion carried unanimously by voice vote. Rep. Dunwell, Rep. Fleming, Rep. Galloway, Rep. Hawk and Rep. Kerns voted by proxy.

ADJOURNMENT

Adjournment: 18:06:41

Cristen Friede, Secretary

cf

Additional Documents:

EXHIBIT([loh38aad.pdf](#))