

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON LOCAL GOVERNMENT

Call to Order: Chair Geraldine Custer, on February 25, 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. Frank Fleming (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Kelly Kortum (D)
Rep. Mark Thane (D)
Rep. Jeremy Trebas (R)
Rep. Kathy Whitman (R)
Rep. Katie Zolnikov (R)

Members Excused:

Rep. Derek J. Harvey (D)
Rep. Donavon Hawk (D)
Rep. Scot Kerns (R)

Members Absent: None

Staff Present:

Cristen Friede, Committee Secretary
Toni Henneman, Legislative Branch
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 496, 2/17/2021; HB 470, 2/17/2021; HB 450, 2/17/2021; HB 528, 2/17/2021; HB 529, 2/17/2021

HEARING ON HB 450**Opening Statement by Sponsor:**

15:19:04 Rep. Steve Gunderson (R), HD 1, opened the hearing on HB 450, Provide that exempt divisions of land must meet zoning regulations.

15:19:34 Rep. Kerns joined the meeting

15:21:25 Vice Chair Brewster

15:21:32 Rep. Hawk joined the meeting

Proponents' Testimony:

15:21:36 Commissioner Randy Brodel, Flathead County

15:23:19 Former Representative Forest Mandville, self

15:24:31 Sam Sill, Montana Association of Relators (MAR)

15:25:18 Abigail St. Lawrence, Montana Building Industry Association (MBIA)

15:26:15 Kelly Lynch, Montana League of Cities and Towns (MLCT)

15:26:23 Rep. Harvey joined the meeting

15:27:33 Tom and Cindy Countryman, self

Opponents' Testimony:

15:29:18 John Herrin, self

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

15:31:01 Rep. Fern

15:31:21 Kelly Lynch, MLCT

15:32:27 Rep. Galloway

15:34:50 Sam Sill, MAR

15:35:20 Rep. Zolnikov joined the meeting

Closing by Sponsor:

15:35:48 Rep. Gunderson

HEARING ON HB 470**Opening Statement by Sponsor:**

15:37:46 Rep. Marty Malone (R), HD 59, opened the hearing on HB 470, Allow for a citizen initiated planning board and additional zoning criteria.

Proponents' Testimony:

15:39:59 Andrew Thomas, self
[EXHIBIT\(loh40a01\)](#)

15:43:17 Ann Hallowell, self
[EXHIBIT\(loh40a02\)](#)

15:46:50 Rep. Fern

15:47:14 Jeff Wagner, self

15:51:16 John Herrin, self
15:54:54 Donna Elford, self
15:55:33 Jim Dusenberry, self
15:57:00 Rep. Julie Dooling, self

Opponents' Testimony:

15:58:27 Tara DuPuy, Montana Association of Counties (MACo)
16:01:39 Former Representative Forest Mandville, self
16:05:05 Andrew Hagemeyer, Montana Association of Planners (MAP)
16:07:04 Mayre Flowers, Montana Smart Growth Collision
16:09:11 Derf Johnson, self
16:10:27 Amy Seaman, Montana Audubon

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

16:12:57 Rep. Malone

HEARING ON HB 496

Opening Statement by Sponsor:

16:16:37 Rep. Bill Mercer (R), HD 46, opened the hearing on HB 496, Remove prohibitions on county board of appeals re: property use and zoning.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

16:18:55 Vice Chair Brewster
16:22:04 Rep. Mercer
16:22:48 Vice Chair Dunwell
16:23:39 Rep. Mercer
16:25:17 Rep. Trebas
16:25:30 Rep. Mercer
16:26:05 Rep. Fern
16:27:11 Rep. Thane
16:27:40 Rep. Mercer

Closing by Sponsor:

16:29:39 Rep. Mercer

HEARING ON HB 528

Opening Statement by Sponsor:

16:30:30 Rep. Julie Dooling (R), HD 70, opened the hearing on HB 528, Generally revise county planning, zoning, and subdivision regulation laws.

Proponents' Testimony:

16:32:23 Andrew Thomas, self

16:35:19 Jeff Wagner, self

16:38:36 Ann Hallowell, self

EXHIBIT(lah40a03)

16:40:44 John Herrin, self

16:44:47 Jim Dusenberry, self

16:47:15 Donna Elford, self

Opponents' Testimony:

16:49:40 Former Representative Forest Mandeville, self

16:53:29 Kelly Lynch, Montana League of Cities and Towns (MLCT)

16:57:28 Bob Horne, self

16:59:07 Rep. Zolnikov left the meeting

17:01:00 Andrew Hagemeyer, Montana Association of Planners (MAP)

17:03:10 Wyeth Friday, City of Billings

17:05:48 Tara DePuy, Montana Association of Counties (MACo)

17:08:23 Mayre Flowers, Montana Smart Growth Collision

17:08:51 Derf Johnson, Montana Environmental Information Center

17:09:54 Kathleen McMahon, self

Informational Testimony: None

Questions from Committee Members and Responses:

17:13:26 Rep. Trebas

17:13:53 Rep. Gist

17:14:34 Rep. Dooling

17:15:28 Andrew Thomas, self

17:16:26 Rep. Galloway

17:17:24 Wyeth Friday, City of Billings

17:18:27 Rep. Galloway

17:19:08 Chair Custer

17:19:32 Bob Horne, self

17:20:42 Chair Custer

17:24:05 Kathleen McMahon, self

17:25:07 Rep. Galloway

17:26:13 Rep. Fern

Closing by Sponsor:

17:26:51 Rep. Dooling

17:28:32 Recess

17:37:55 Reconvened Rep. Kerns excused

HEARING ON HB 529

Opening Statement by Sponsor:

17:38:07 Rep. Julie Dooling (R), HD 70, opened the hearing on HB 529, Revise planning, zoning, and subdivision regulation laws.

Proponents' Testimony:

17:39:45 Andrew Thomas, self

17:43:15 Ann Hallowell, self

EXHIBIT(loh40a04)

17:44:38 Donna Elford, self

17:45:20 John Herrin, self

17:48:38 Jeff Wagner, self

17:50:12 Destine Sweeney, self

Opponents' Testimony:

17:51:33 Bob Horne, self

17:54:26 Kelly Lynch, Montana League of Cities and Towns (MLCT)

17:55:50 Andrew Hagemeyer, Montana Association of Planners (MAP)

17:58:09 Wyeth Friday, City of Billings

18:01:30 Tara DePUy, Montana Association of Counties (MACo)

18:04:52 Derf Johnson, Montana Environmental Information Center

18:06:03 Kathleen McMahon, self

18:08:28 Mayre Flowers, Montana Smart Growth Collision

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

18:10:59 Rep. Gist

18:12:14 Chair Custer

18:12:53 Kelly Lynch, MLCT

18:13:40 Rep. Fern

18:14:13 Kelly Lynch, MLCT

18:14:27 Rep. Whitmen

Closing by Sponsor:

18:14:49 Rep. Dooling

18:17:11 Chair Custer

18:17:35 Rep. Whitman

18:18:09 Vice Chair Brewster

18:22:17 Chair Custer

EXECUTIVE ACTION ON HB 395

18:23:50 **Motion:** Rep. Brewster moved that **HB 395 DO PASS.**

18:24:05 **Substitute Motion/Vote:** Rep. Fern made a substitute motion that **HB 395 BE TABLED.** Substitute Motion carried unanimously by voice vote. Rep. Kerns and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 422

18:25:23 **Motion:** Rep. Kortum moved that **HB 422 DO PASS**.

18:25:56 **Motion:** Rep. Galloway moved that **HB 422 BE AMENDED**.
[EXHIBIT\(loh40a05\)](#)

Discussion:

18:26:15 Rep. Galloway
18:27:05 Rep. Harvey
18:27:12 Rep. Kortum
18:27:55 Rep. Galloway
18:29:08 Toni Henneman, Legislative Service Division (LSD)
18:29:52 Vice Chair Dunwell
18:30:24 Toni Henneman, LSD
18:31:08 Vice Chair Dunwell
18:31:17 Rep. Kortum
18:31:23 Rep. Galloway

18:31:49 **Vote:** Motion carried unanimously by voice vote. Rep. Kerns and Rep. Zolnikov voted by proxy.

18:32:15 **Motion/Vote:** Rep. Brewster moved that **HB 422 DO PASS AS AMENDED**. Motion carried 16-1 by voice vote with Rep. Trebas voting no. Rep. Kerns and Rep. Zolnikov voted by proxy.

18:33:08 Rep. Gist

EXECUTIVE ACTION ON HB 450

18:34:23 **Motion:** Rep. Brewster moved that **HB 450 DO PASS**.

Discussion:

18:34:35 Rep. Gunderson
18:35:40 Chair Custer
18:36:13 Rep. Gunderson

18:36:41 **Vote:** Motion carried 15-2 by voice vote with Rep. Harvey and Rep. Hawk voting no. Rep. Kerns and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 470

18:37:22 **Motion:** Rep. Brewster moved that **HB 470 DO PASS**.

18:37:33 **Substitute Motion/Vote:** Rep. Fern moved that **HB 470 BE TABLED**. Motion carried unanimously by voice vote. Rep. Kerns and Rep. Zolnikov voted by proxy.

18:38:12 Rep. Fern
18:38:49 Vice Chair Brewster
18:39:22 Rep. Fern

18:39:38 Rep. Hawk
18:39:59 Chair Custer
18:40:11 Toni Henneman, LSD
18:40:36 Rep. Bertoglio

EXECUTIVE ACTION ON HB 496

18:41:00 **Motion:** Rep. Brewster moved that **HB 496 DO PASS.**

Discussion:

18:41:08 Rep. Hawk
18:41:29 Rep. Gunderson
18:42:10 Rep. Hawk
18:42:13 Vice Chair Brewster
18:43:00 Rep. Galloway
18:43:12 Toni Henneman, LSD
18:43:26 Vice Chair Dunwell
18:44:07 Chair Custer
18:44:43 Rep. Gudnerson
18:45:12 Vice Chair Dunwell
18:45:34 Rep. Fern
18:45:42 Rep. Galloway

18:46:33 **Vote:** Motion carried 15-2 by voice vote with Rep. Fern and Rep. Kortum voting no. Rep. Kerns and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 528

18:47:13 **Motion:** Rep. Brewster moved that **HB 528 DO PASS.**

18:47:19 **Substitute Motion/Vote:** Rep. Hawk moved that **HB 528 BE TABLED.** Motion carried unanimously by voice vote. Rep. Kerns and Rep. Zolnikov voted by proxy.

EXECUTIVE ACTION ON HB 529

18:47:54 **Motion:** Rep. Brewster moved that **HB 529 DO PASS.**

18:48:02 **Substitute Motion/Vote:** Rep. Dunwell moved that **HB 529 BE TABLED.** Motion carried unanimously by voice vote. Rep. Kerns and Rep. Zolnikov voted by proxy.

18:48:44 Chair Custer
18:48:53 Toni Henneman, LSD
18:49:11 Rep. Fern
18:50:09 Toni Henneman, LSD
18:50:47 Vice Chair Dunwell
18:51:09 Rep. Fern
18:51:40 Rep. Gunderson
18:53:03 Vice Chair Dunwell

18:53:15	Rep. Gunderson
18:53:35	Rep. Fern
18:54:05	Rep. Harvey
18:54:32	Rep. Fern
18:54:43	Rep. Trebas
18:55:03	Chair Custer

ADJOURNMENT

Adjournment: 18:55:09

Cristen Friede, Secretary

cf

Additional Documents:

EXHIBIT([loh40aad.pdf](#))