

## MINUTES

### MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON LOCAL GOVERNMENT

**Call to Order:** Chair Terry Gauthier, on March 15, 2021 at 3:00 PM, in Room 405 Capitol

#### ROLL CALL

**Members Present in the room:**

Sen. Terry Gauthier, Chair (R)  
Sen. John Esp, Vice Chair (R)  
Sen. Chris Friedel (R)  
Sen. Shane A. Morigeau (D)

**Members Present by Zoom Video Conference:**

Sen. Ellie Boldman, Vice Chair (D)  
Sen. Carlie Boland (D)  
Sen. Christopher Pope (D)

**Members Excused:**

Sen. Mark Blasdel (R)  
Sen. Jason W. Ellsworth (R)  
Sen. Steve Fitzpatrick (R)

**Members Absent:** None

**Staff Present:** Izmerai Alvarado, Committee Secretary  
Toni Henneman, Legislative Branch  
Monte Cole, 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 269, 2/27/2021; HB 450, 2/27/2021; HB 496, 2/27/2021

Executive Action: HB 292 - Be Concurred In  
HB 304 - Be Concurred In  
HB 496 - Be Concurred In As Amended

**EXECUTIVE ACTION ON HB 292**

15:03:20 **Motion/Vote:** Sen. Esp moved that **HB 292 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Gauthier will carry the bill.

**EXECUTIVE ACTION ON HB 304**

15:03:59 **Motion/Vote:** Sen. Esp moved that **HB 304 BE CONCURRED IN**. Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Fitzpatrick will carry the bill.

**HEARING ON HB 496**

**Opening Statement by Sponsor:**

15:04:55 Rep. Bill Mercer (R), HD 46, opened the hearing on HB496, Remove prohibitions on county board of appeals re: property use and zoning.

[EXHIBIT\(los51a01\)](#)

**Proponents' Testimony:**

15:07:58 Tara Depuy, Montana Association of Counties (MACo)

[EXHIBIT\(los51a02\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

15:10:38 Sen. Pope

15:11:19 Ms. DePuy, MACo

15:11:52 Sen. Esp

**Closing by Sponsor:**

15:12:18 Rep. Mercer

**EXECUTIVE ACTION ON HB 496**

15:13:22 **Motion:** Sen. Esp moved that **HB 496 BE CONCURRED IN**.

15:13:31 **Motion:** Sen. Esp moved that **HB 496 BE AMENDED**.

[EXHIBIT\(los51a03\)](#)

**Discussion:**

15:13:51 Sen. Pope

15:14:04 Toni Henneman, Legislative Services Division (LSD)

15:15:19 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy.

15:15:45 **Motion:** Sen. Esp moved that **HB 496 BE CONCURRED IN AS AMENDED.**

**Discussion:**

15:15:58 Sen. Morigeau  
 15:16:31 Sen. Esp  
 15:16:37 Sen. Morigeau  
 15:16:58 Sen. Esp  
 15:17:51 Sen. Morigeau  
 15:18:17 Chair Gauthier  
 15:18:24 Sen. Morigeau  
 15:18:50 Ms. Henenman LSD  
 15:19:58 Tara DePuy, Montana Association of Counties (MACo)  
 15:21:51 Sen. Morigeau  
 15:22:12 Sen. Esp  
 15:22:24 Ms. DePuy, MACo  
 15:22:47 Sen. Esp  
 15:22:55 Sen. Morigeau

15:23:11 **Vote:** Motion carried unanimously by voice vote. Sen. Blasdel, Sen. Ellsworth and Sen. Fitzpatrick voted by proxy. Sen. Esp will carry the bill.

**HEARING ON HB 269**

**Opening Statement by Sponsor:**

15:24:14 Rep. Ron Marshall (R), HD 87, opened the hearing on HB269, Require elected official approval of sanitation related local health board rules.

**Proponents' Testimony:**

15:26:34 Sam Sill, Montana Association of Realtors (MAR)

**Opponents' Testimony:** None

**Informational Testimony:**

15:38:53 Jim Murphy, Department of Public Health and Human Services (DPHHS)

**Questions from Committee Members and Responses:**

15:30:33 Sen. Esp  
 15:30:59 Mr. Sill, MAR  
 15:31:25 Chair Gauthier  
 15:31:40 Mr. Sill  
 15:32:07 Sen. Boland  
 15:32:39 Rep. Marshall  
 15:33:31 Sen. Boland  
 15:33:46 Rep. Marshall  
 15:34:05 Mr. Sill  
 15:34:38 Sen. Pope  
 15:35:24 Rep. Marshall  
 15:35:52 Sen. Pope  
 15:36:40 Rep. Marshall  
 15:36:51 Sen. Morigeau

15:37:30 Mr. Sill  
 15:37:36 Sen. Morigeau  
 15:37:44 Mr. Sill  
 15:37:55 Sen. Morigeau  
 15:38:20 Mr. Sill  
 15:39:22 Sen. Pope  
 15:40:44 Mr. Murphy, DPHHS  
 15:41:21 Sen. Pope  
 15:41:56 Mr. Murphy  
 15:42:26 Sen. Esp  
 15:42:47 Mr. Murphy

**EXHIBIT(los51a04)**

15:43:15 Ms. Henneman

**Closing by Sponsor:**

15:44:24 Rep. Marshall  
 15:45:36 Recess  
 15:57:33 Reconvene

**Committee Discussion:**

15:57:32 Chair Gauthier  
 15:58:09 Sen. Boland  
 15:58:59 Sen. Esp  
 15:59:19 Toni Henneman, Legislative Services Division (LSD)  
 15:59:34 Sen. Boland  
 15:59:57 Chair Gauthier  
 16:00:17 Recess  
 16:06:55 Reconvene  
 16:06:57 Chair Gauthier  
 16:07:13 Sen. Esp  
 16:07:41 Chair Gauthier  
 16:07:57 Ms. Henneman, LSD  
 16:08:19 Chair Gauthier

**HEARING ON HB 450**

**Opening Statement by Sponsor:**

16:08:43 Sen. John Esp (R), SD 30, opened the hearing on HB450, for Rep. Steve Gunderson (R), HD 1, Provide that exempt divisions of land must meet zoning regulations.

**EXHIBIT(los51a05)**

**Proponents' Testimony:**

16:10:03 Sam Sill, Montana Association of Realtors  
 16:12:58 Tara DePuy, Montana Association of Counties (MACo)

**EXHIBIT(los51a06)**

**Opponents' Testimony:**

16:15:33 Mike Lapp, Montana Association of Registered Land Surveyors (MARLS)

**[EXHIBIT\(los51a07\)](#)**

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

16:18:59 Sen. Pope

16:20:31 Mr. Lapp, MARLS

16:21:51 Sen. Esp

16:22:23 Ms. DePuy, MACo

16:23:30 Sen. Esp

16:24:28 Mr. Lapp

**Closing by Sponsor:**

16:25:03 Rep. Gunderson was unavailable to close on HB 450. Chair Gauthier recessed the hearing until 03/24/2021.

**ADJOURNMENT**

Adjournment: 4:25 PM

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Izmerai Alvarado, Secretary

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Additional Documents:

**EXHIBIT**([los51aad.pdf](#))