

MINUTES
MONTANA HOUSE OF REPRESENTATIVES
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (H) LOCAL GOVERNMENT

Call to Order: Chair Rep. Larry Brewster-R, on February 7, 2023 at 3:00 PM, in 472

ROLL CALL

Members Present: Rep. Larry Brewster, Chair (R)
Rep. Marta Bertoglio, Vice Chair (R)
Rep. Jill Cohenour, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Sherry Essman (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Scot Kerns (R)
Rep. Kelly Kortum (D)
Rep. Jennifer Lynch (D)
Rep. Linda Reksten (R)
Rep. Mark Thane (D)

Excused: Rep. Kerri Seekins-Crowe (R)
Rep. Courtenay Sprunger (R)
Rep. Katie Zolnikov (R)

Staff Present: LuCinda Blair, Secretary
Laura Sankey Keip, Research Analyst

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 and Date Posted:
HB 291 02/04/2023
HB 323 02/04/2023
HB 328 02/04/2023

Executive Action:

HEARING ON HB 323 – Revise laws related to child protective teams

Opening Statement:

15:01:45 Rep. Caleb Hinkle (R), HD 68, opened the hearing on HB 323, Revise laws related to child protective teams.

Proponent Testimony:

15:03:20 Matt Furlong, Montana Child Protection Alliance (MCPA)
15:05:54 Dave Kesler, Self
15:10:04 Bart Crabtree, Montana Citizens Council on Judicial Accountability (MCCJA)
15:10:50 Denise Johnson, Montana Child Protection Alliance (MCPA)
15:13:20 Jacob Handy, Self
15:15:32 Isla Handy, Self
15:16:15 Blaine Bradshaw, Self
15:20:28 Chuck Hinkle, Granite County Commission

Opponent Testimony:

15:21:05 Nicki Grossberg, Department of Health and Human Services Child and Family Services (DPHHS)
15:24:10 Amanda O'Shea Tiernan, Montana County Attorneys Association (MCAA) and Yellowstone County Attorney's Office
15:29:32 Karen Alley, Montana Association of Counties (MACo)
15:30:48 Beth Brenneman, Montana Coalition Against Domestic and Sexual Violence (MCADSV)

Informational Witness Testimony:

15:33:45 Audrey Walleser, Self

Questions from Committee:

15:34:18 Rep. Jennifer Lynch
15:36:26 Vice Chair Jill Cohenour
15:36:45 Amanda O'Shea Tiernan, MCAA
15:39:47 Rep. Laurie Bishop
15:40:30 Nicki Grossberg, DPHHS
15:41:00 Rep. Linda Reksten

15:42:53 Rep. Steve Gist
15:43:25 Audrey Walleser
15:46:20 Rep. Steven Galloway
15:50:58 Blaine Bradshaw
15:51:00 Rep. Caleb Hinkle

Closing Statement:

15:56:00 Rep. Caleb Hinkle (R), HD 68, closed the hearing on HB 323.

15:57:30 Vice Chair Marta Bertoglio assumes the chair.

HEARING ON HB 291 – Revise local government investment laws

Opening Statement:

15:58:09 Rep. Larry Brewster (R), HD 44, opened the hearing on HB 291, Revise local government investment laws.

Proponent Testimony:

15:59:20 Allen Hulse, Montana Municipal Interlocal Authority (MMIA)
16:05:12 Thomas Jodoin, Montana League of Cities and Towns (MTLCT)
16:06:25 Steve Wade, Montana Municipal Interlocal Authority (MMIA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

16:08:00 Rep. Mark Thane
16:08:10 Allen Hulse, MMIA
16:09:58 Rep. Kelly Kortum
16:11:30 Rep. Steve Gist

16:12:25 Rep. Steven Galloway

Closing Statement:

16:15:35 Rep. Larry Brewster (R), HD 44, closed the hearing on HB 291.

16:16:16 Chair Larry Brewster resumes the chair.

HEARING ON HB 328 – Require certain govt boards to record public meetings in audio and video format

Opening Statement:

16:16:30 Rep. Brad Barker (R), HD 58, opened the hearing on HB 328, Require certain govt boards to record public meetings in audio and video format.

Proponent Testimony:

16:29:00 Derf Johnson, Montana Environmental Information Center (MEIC)

16:30:36 Rob Watson, School Administrators of Montana (SAM) and Coalition of Advocates for Montana's Public Schools

16:32:45 Ronda Wiggers, Montana Broadcasters Association (MBA)

16:33:20 Rep. Tony Brockman, HD 9

16:45:30 Elaina Gagliano, Self

Opponent Testimony:

16:49:35 Jason Strouf, Custer County Commission

16:50:40 Thomas Jodoin, Montana League of Cities and Towns (MTLCT)

16:55:55 Candace Payne, Lewis and Clark County Commission

17:01:35 Joette Woods, Liberty County Commission

17:02:45 Mike McGinley, Beaverhead County Commission

17:05:40 Tyrel Hamilton, Stillwater County Commission

17:09:10 Daniel Farr, on behalf of Northeast Montana schools

17:12:18 Dan Ellison, Jefferson County

17:13:26 Larry Hendrickson, Liberty County Commission

17:13:40 Roy Rost, Fallon County Commission

17:14:46 Shelby Demars, Montana Association of Oil, Gas, and Coal Counties
17:15:23 Jason Rittal, Montana Association of Counties (MACo)
17:17:09 George Real Bird III, Bighorn County Commission
17:18:45 Jennifer Saunders, Fergus County Commission
17:20:00 Roman Zylawy, President, Montana Association of Counties (MACo)
17:22:08 Robert Pancratz, Musselshell County Commission
17:23:40 Josh Lewis, Fallon County IT
17:24:59 Todd Devlin, Prairie County Commission

Informational Witness Testimony:

17:28:50 Misty Ann Giles, Department of Administration (DOA)

Questions from Committee:

16:34:50 Rep. Courtenay Sprunger
16:35:10 Rep. Tony Brockman
16:37:50 Rep. Mark Thane
16:38:55 Rep. Steve Gist
16:42:30 Rep. Steve Gunderson
17:29:15 Rep. Kelly Kortum
17:29:55 Rep. Brad Barker
17:31:00 Vice Chair Marta Bertoglio

Closing Statement:

17:33:50 Rep. Brad Barker (R), HD 58, closed the hearing on HB 328.

ADJOURNMENT

Adjournment: 17:37:16

LuCinda Blair, Secretary

Additional Documents: EXHIBIT(230207LOH)

230207LOH_Hm1.docx



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL

DATE: 2-7-2023

NAME	PRESENT	ABSENT/EXCUSED
VICE CHAIR BERTOGLIO	X	
VICE CHAIR COHENOUR	X	
REP. BISHOP	X	
REP. GALLOWAY	X	
REP. GIST	X	
REP. GUNDERSON	X	
REP. KORTUM	X	
REP. SPRUNGER		X
REP. ZOLNIKOV		X
REP. THANE	X	
REP. REKSTEN	X	
REP. SEEKINS-CROWE		X
REP. LYNCH	X	
REP. ESSMANN	X	
REP. KERNS	X	
CHAIR BREWSTER	X	

16 MEMBERS

**ADDITIONAL
DOCUMENTS**

**Montana Department of Justice
Office of the Child and Family Ombudsman
The First Knock at the Door: A Systemic Report**



Contact the Ombudsman:

1-844-25CHILD

1-844-252-4453

DOJOMBUDSMAN@mt.gov

OCFO Recommendations

The First Knock at the Door: A Systemic Report as authorized by 41-3-121 MCA provides oversight to child protective services. Three required components of the oversight are first to identify a trend, then provide a detailed report and finally to make recommendations.

The deadline was satisfied in eleven cases and was not met in nine cases.

though access to several key databases is already in place, access to address or other location information may vary from county to county. Coordinated DPHHS interdepartmental support for CFSD should be standardized to obtain current locations of families. Given the high rate of difficulty locating children, OCFO recommends DPHHS convene a formal work group including CFSD, and the other divisions within DPHHS, to maximize resources for information sharing. Key external stakeholders within state departments such as the Office of Public Instruction are encouraged to participate as requested by DPHHS. The work group should participate in a minimum of three meetings and issue findings to the Director of DPHHS by January 1, 2024.

Rationale 1: The first step to assessing child safety is for a CPS to have face-to-face contact with the child and communication with the parent or guardian. CFSD needs more officially mandated tools to obtain addresses. Public schools are a primary source of current address information, and in many communities, schools do cooperate with CFSD, but in other locations public schools do not.

Recommendation 2: For P2 reports, CFSD should implement an electronic alert within MFSIS to Regional Administrators (RA), CPSS, and CPS 48 hours after the report is categorized a P2.

Rationale 2: CPS may be assigned a P2 report after time has expired within the 72-hour window to locate the child. For example, reports may be assigned outside business hours, or an on-call CPS may initiate contact but then transition to the county office is not timely, or CPSS and CPS may be on vacation or out of the office and not see the P2 report immediately. A 48-hour electronic alert would provide notice when 24 hours remain available to locate the child and family. The alert would also notify the RA and CPSS to review the report and the status of locating the child and trigger the supervisory review.

Recommendation 3: DPHHS, CFSD, and the County Attorney's Offices strengthen Child Protection Teams (CPT). CPT, governed by 41-3-108, MCA, are an important local interagency information-sharing tool that may improve CFSD's ability to locate children. Members of the team may legally share information protected by 41-3-205, MCA, which requires maintaining confidentiality. High functioning CPTs meet frequently, include consistent interagency membership, maintain confidentiality, and have clearly identified case review protocols.

Rationale 3: According to 41-3-108, MCA, the purpose of a Child Protection Team is to "...assist in assessing the needs of, formulating and monitoring a treatment plan for, and coordinating services to the child and the child's family." A local Child Protection Team with interagency participation that meets consistently will increase valuable information sharing, including current address and location information about a child or family. Practices for such teams vary tremendously across the state, with some county and city jurisdictions meeting weekly and others not meeting at all. One child and family may engage with multiple community agencies simultaneously for various reasons or mandates, with each

In the twenty P2 cases analyzed, the 72-hour statutory deadline found that the deadline was satisfied in eleven cases and was not met in nine cases. The data constitutes a 45% failure rate.

OCFO offers the following recommendations:

Recommendation 1: Improve CFSD access to current location information for children and families. Al-

Table 3–2 Children Who Received an Investigation or Alternative Response by Disposition, 2020 (continues next page)

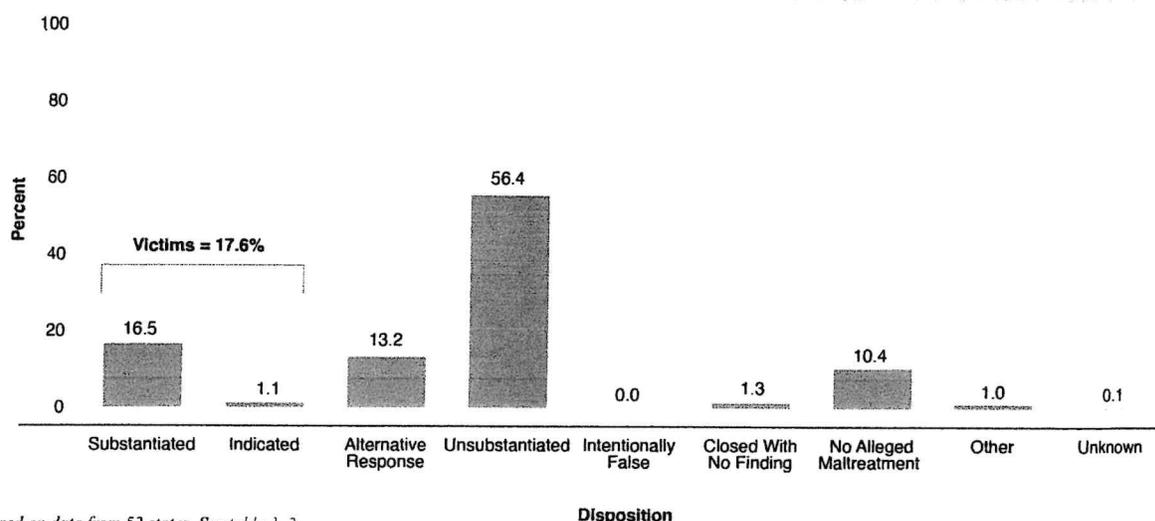
State	Substantiated	Indicated	Alternative Response	Unsubstantiated	Intentionally False
Alabama	12,029	-	-	27,205	-
Alaska	3,684	-	-	15,160	-
Arizona	10,452	58	-	49,062	-
Arkansas	9,734	-	6,161	27,624	-
California	64,001	-	-	256,903	-
Colorado	12,513	-	13,717	26,047	-
Connecticut	6,759	-	-	9,342	-
Delaware	1,227	-	-	7,566	-
District of Columbia	1,699	-	-	4,901	-
Florida	29,599	-	-	197,436	-
Georgia	8,884	-	45,407	42,321	-
Hawaii	1,371	-	-	4,002	-
Idaho	2,000	-	-	13,196	784
Illinois	40,282	-	-	92,464	279
Indiana	24,219	-	-	166,585	-
Iowa	12,705	-	11,602	25,864	-
Kansas	2,519	-	-	36,045	-
Kentucky	18,260	-	-	57,544	-
Louisiana	7,100	-	-	17,299	-
Maine	5,220	-	-	13,275	-
Maryland	4,675	3,104	18,306	6,746	-
Massachusetts	24,958	-	-	23,346	-
Michigan	16,082	12,572	-	91,488	6
Minnesota	6,934	-	23,802	9,892	-
Mississippi	8,784	-	-	30,785	-
Missouri	4,558	-	49,178	20,217	-
Montana	4,085	37	-	14,681	-
Nebraska	2,472	-	2,069	17,694	-
Nevada	5,231	-	726	18,021	-
New Hampshire	1,214	-	-	13,256	-
New Jersey	3,821	-	-	79,988	-
New Mexico	8,242	-	-	26,249	-
New York	67,660	-	13,130	160,554	-
North Carolina	6,982	17,139	84,038	16,503	-
North Dakota	1,657	-	-	4,484	-
Ohio	18,513	7,613	52,621	43,354	-
Oklahoma	15,439	-	1,222	45,331	-
Oregon	12,384	-	-	40,348	-
Pennsylvania	4,770	-	-	31,095	-
Puerto Rico	3,804	24	-	6,081	56
Rhode Island	2,905	-	-	6,267	-
South Carolina	15,109	-	2,774	40,584	-
South Dakota	1,656	-	-	2,739	-
Tennessee	8,091	820	55,605	30,046	-
Texas	67,462	-	39,133	164,838	-
Utah	10,234	-	-	18,332	30
Vermont	562	-	1,447	1,605	8
Virginia	5,836	-	36,602	7,646	-
Washington	4,583	-	33,701	20,473	60
West Virginia	6,411	-	-	33,679	-
Wisconsin	4,372	-	6,580	27,460	-
Wyoming	1,050	-	3,286	345	-
National	624,793	41,367	501,107	2,143,968	1,223
Reporting States	16.5	1.1	13.2	56.4	0.0
National States	52	8	21	52	7

Children Who Received an Investigation or Alternative Response by Disposition (duplicate count of children)

For FFY 2020, approximately 3.8 (3,798,038) million children (duplicate count) are the subjects of reports (screened-in referrals). A child may be a victim in one report and a nonvictim in another report, and in this analysis, the child is counted both times. More than 17.0 percent of children are classified as victims with dispositions of substantiated (16.5%) and indicated (1.1%).¹¹ The remaining children are not determined to be victims or received an alternative response. (See [table 3-2](#), [exhibit 3-B](#), and related notes.)

Exhibit 3-B Children Who Received an Investigation or Alternative Response by Disposition, 2020

More than 17 percent of children received a disposition of substantiated or indicated and are counted as maltreatment victims



Based on data from 52 states. See [table 3-2](#).

Number of Child Victims (unique count of child victims)

In NCANDS, a victim is defined as:

- **Victim:** A child for whom the state determined at least one maltreatment was substantiated or indicated; and a disposition of substantiated or indicated was assigned for a child in a report. This includes a child who died and the death was confirmed to be the result of child abuse and neglect. A child may be a victim in one report and a nonvictim in another report.

For FFY 2020, there are nationally 618,000 (rounded) victims of child abuse and neglect. This equates to a national rate of 8.4 victims per 1,000 children in the population. The national number of victims for 2020 is an 8.7 percent decrease from the 2016 national estimate of 677,000 victims.¹² While the 2020 decrease may be due to the COVID-19 pandemic, the number of victims has fluctuated during the past 5 years. (See [exhibit 3-C](#) and related notes.) States have different policies about what is considered child maltreatment, the type of CPS responses (alternative and investigation), and different levels of evidence required to substantiate an abuse allegation, all or some of which may account for variations in victimization rates. Readers are encouraged to read Appendix C, State Characteristics and Appendix D, State

¹¹ North Carolina recoded the dispositions of children who would have received alternative response victim to indicated.

¹² The national percent change was calculated using the national estimate of victims for 2016 and the national rounded number of victims for 2020.



The Office of
The Board of Granite County Commissioners

P.O. Box 925, Philipsburg, MT 59858
Telephone: 406-859-7022 | Assistant: 406-859-7023
E-mail: Commissioner@co.granite.mt.us | Website www.granitecountymt.us

Blanche McLure, Commissioner
P O Box 73
Philipsburg, MT 59858

Scott C. Adler, Chairperson
750 Frontage Road West
Drummond MT 59832

Charles L. Hinkle, Commissioner
53 Aspen Drive
Philipsburg MT 59858

Date: November 15, 2022

Re: Letter of Support for Proposed Updates to MCA 41-3-108

To Whom it May Concern:

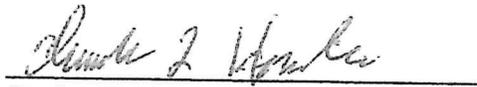
We, the Granite County Commission, have always appreciated the great work done by Child Protective Services in Montana over the years. However, the current system needs reviewed by our lawmakers. We have some serious concerns with the Division of CPS, as we are hearing of experiences where CPS has apparently mishandled recent cases. Whether these reports are correct or not, the public discord with CPS is growing. We do recognize that the CPS Workers have a very difficult job and a fine line to walk, but the system must be improved. Acknowledging that people are not perfect, there must be a local check on the power of individual CPS workers in local communities. We believe one part of the solution is amending state law regarding Child Protective Teams (CPTs). The CPTs around Montana can, and must be a check on the power of CPS. A double check is always needed for such important matters regarding our children. Excuses will not protect our children. We strongly support the attached amendment to Montana Code Annotated Section 41-3-108. This attached, proposed amendment was drafted, in part, by Granite County Attorney, Blaine Bradshaw, and also in part by a father, David Kesler, who is advocating for needed changes. In sum, we encourage legislators around Montana to get behind this proposed law change and see that it is passed.

Sincerely yours,

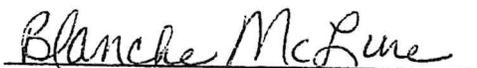
BOARD OF COUNTY COMMISSIONERS
OF GRANITE COUNTY



Scott Adler, Chairperson



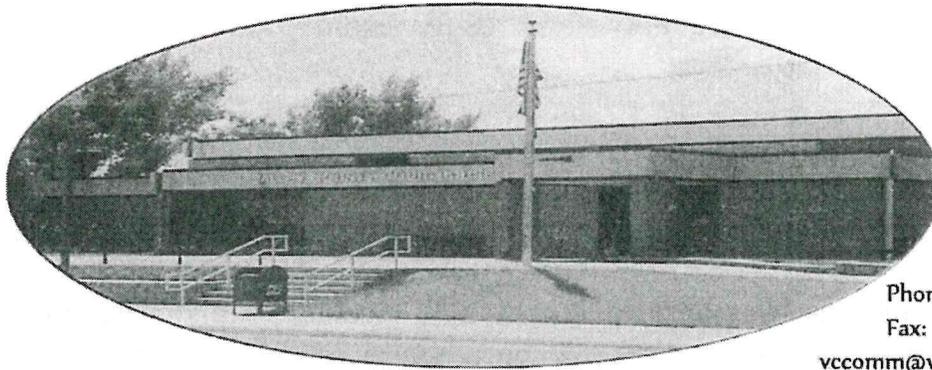
Charles L. Hinkle, Commissioner



Blanche McLure, Commissioner

CC: Montana Governor, Greg Gianforte, Montana Legislature; MACo; and David Kesler III

WITNESS STATEMENT



Valley County

501 Court Square, #1
Glasgow, MT 59230

Paul Tweten, Member

Mary Armstrong, Chairman

Phone: (406)228-6219

Fax: (406)228-9027

vccomm@valleycountymt.gov

John Fahlgren, Member

February 6, 2022

Dear House Local Government Committee Members,

The Valley County Commissioners have the following concerns with HB 328.

Specifically, which local government boards, committees, etc., will be affected by HB328? For example, Valley County has administrative districts, including Airport, Weed, and Refuse as well as Advisory Boards including Health, Transit, Council on Aging, Library, etc. Additionally, there are School Districts, Conservation Districts, Fire Districts, Cemetery Districts, Hospital District, etc. Would all these boards be included?

Valley County does not have audio visual personnel on staff. Who will cover the cost of additional personnel or overtime required to provide recording services?

Valley County does not have dedicated website designers or administrators. Who will cover the cost of additional personnel or overtime required to administer additional website content?

Personnel can't be expected to use their cell phone to record official government functions, so new equipment dedicated to these tasks will be required for each board that's affected. Who will determine the standard (or select) recording equipment, to ensure consistency across the State? Who will fund the required equipment?

Digital storage will be necessary for all the new files generated by these recordings. This drives more equipment and/or services for data storage. Also, what are the retention requirements for these recordings? The longer they're stored, the greater the costs. Who will fund these costs?

Video recordings capture sound. Recording two separate file types (voice and video) seems redundant and, again, drives the need for more data storage.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER

LOCAL GOVERNMENT COMMITTEE

DATE 2-7-23

BILL NO: HB291

SPONSOR(S):

SHORT TITLE:

Please leave prepared testimony with the clerk.
Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Table with 5 columns: Name, Representing, Support, Oppose, Informat'l. Contains handwritten entries for Alan Hulse and Thomas Jodoin.



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER

LOCAL GOVERNMENT COMMITTEE

DATE 2-7-23

BILL NO: HB 323

SPONSOR(S): _____

SHORT TITLE: _____

Please leave prepared testimony with the clerk.
 Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

Name	Representing	Support	Oppose	Informt'l
Dave Kesler ^{III}	Self	X		X
Karen Alley	MACo		X	
Amanda Tiernan	MCAA/YCAO		X	
Beth Breuneman	WTC Coalition Agent Dam + Sexual Violence		X	
Nikki Grossberg	CFSD		X	
Matt Furlong	MCPA	X		
Zilah Hardy	Self	+		
BART CRIBBS	MT SCOLA	?		
Jacob Handy	self	✓		
Eliot Handy	self	✓		
Ruth Ruter	self	X		



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

VISITOR REGISTER

LOCAL GOVERNMENT COMMITTEE

DATE 2-7-23

BILL NO: HB 328

SPONSOR(S):

SHORT TITLE:

Please leave prepared testimony with the clerk. Witness Statement forms are available if you care to submit written testimony.

PLEASE PRINT PLEASE PRINT PLEASE PRINT PLEASE PRINT

Table with 5 columns: Name, Representing, Support, Oppose, Informt'l. Rows include names like Daniel Farr, Bob Watson, Brenda Kriggers, Jason Strouf, Joette Woods, Jason Rittel, Gary Hendrickson, Thomas J Jodoin, Mike Mibilly, Shelby DeMars, Roy Rest, E. J. Redding, Dan Ellison, Candace Payne, Tony Brockman, Misty Gills, Tyrel Hamilton.

LOH Remote Participant List

Date									
Date	Committee	H/S	Bill #	Position	Requester Name	Location	Email	Phone	Affiliation
2/7/2023	LOH	HB	323	Proponent	Chuck Hinkle	Phillipsburg, Montana	chuhink@phillipsburg.net	(406) 859-3319	Granite County Commission
2/7/2023	LOH	HB	323	Proponent	Blaine C. Bradshaw	Drummond, Montana	bradshawbc@granite.mt.us	(406) 531-5046	N/A
2/7/2023	LOH	HB	323	Informational Witness	Audrey Walliser - Martin	Winston, MT	awalliser@yahoo.com	(406) 855-8242	N/A
2/7/2023	LOH	HB	328	Proponent	Elena Gagliano	Phillipsburg MT	egagliano@phillipsburg.net	(406) 859-5019	Fergus County
2/7/2023	LOH	HB	328	Opponent	Jennifer Saunders	Grass Range MT	saundersj@grassrange.mt.us	(406) 366-1672	Musselshell County Commissioners
2/7/2023	LOH	HB	328	Opponent	Robert S Pancratz	Roundup, Montana	pancratzr@roundup.mt.us	(406) 841-1990	The entire Board of Hill County Commissioners
2/7/2023	LOH	HB	328	Opponent	Jacob Strissel	Hill County, Montana	strissel@hillcounty.mt.us	(406) 265-3481	Fallon County
2/7/2023	LOH	HB	328	Opponent	Josh Lewis	Baker, Montana	lewisj@falloncounty.net	(406) 724-8154	N/A
2/7/2023	LOH	HB	328	Opponent	Toirdel Dwyer	Prairie County, Montana	tdwyer@prairiemail.com	(406) 852-8019	N/A
2/7/2023	LOH	HB	328	Opponent	John Ostlund	Yellowstone County, Montana	ostlundj@yellowstonecountymt.gov	(406) 698-2367	N/A
2/7/2023	LOH	HB	328	Opponent	Ross Butcher	Fergus County, Montana	butcher.ross@fergus.mt.us	(406) 350-0622	N/A
2/7/2023	LOH	HB	328	Opponent	Roman Zmawy	Mineral County, Montana	zmaury@gmail.com	(406) 483-7259	Montana Association of Counties (MACo)
2/7/2023	LOH	HB	328	Opponent	George Real Bird III	Lodge Grass, Montana	george@realbird.com	(406) 726-0100	BIG HORN COUNTY