

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

**Call to Order:** Chair Rep. Larry Brewster-R, on February 16, 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. Kerri Seekins-Crowe (R)  
Rep. Mark Thane (D)  
Rep. Katie Zolnikov (R)

**Excused:** Rep. Courtenay Sprunger (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:

Executive Action:

HB 328 BE TABLED

HB 369 BE TABLED

HB 413 BE TABLED

SB 5 BE CONCURRED IN

SB 98 BE CONCURRED IN

15:01:00 **Recessed**

15:34:00 **Reconvened**

**EXECUTIVE ACTION ON HB 369 – Require referendum to adopt growth policy**

15:34:45 **Motion:** Vice Chair Marta Bertoglio moved that **HB 369 DO PASS.**

15:35:24 **Substitute Motion:** Vice Chair Jill Cohenour moved that **HB 369 BE TABLED.**

**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 413 – Repeal laws on preemption of local government on auxiliary containers**

15:36:00 **Motion:** Vice Chair Marta Bertoglio moved that **HB 413 DO PASS.**

15:36:24 **Substitute Motion:** Rep. Scot Kerns moved that **HB 413 BE TABLED.**

**Vote:** Motion carried 11-5 by roll call vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.

Rep. Lynch, By Proxy

**EXECUTIVE ACTION ON HB 328 – Require certain government boards to record public meetings in audio and video format**

15:38:00 **Motion:** Vice Chair Marta Bertoglio moved that **HB 328 DO PASS.**

15:39:05 **Motion:** Rep. Scot Kerns moved that **HB 328 BE AMENDED.**

**Vote:** Motion carried 15-1 by voice vote with Rep. Kortum, voting no.

15:43:00 **Motion:** Rep. Linda Reksten moved that **HB 328 DO PASS AS AMENDED.**

**Discussion:**

15:43:10 Rep. Steve Gist

15:44:30 Rep. Mark Thane

15:45:50 Rep. Kelly Kortum

15:47:35 Rep. Katie Zolnikov

15:49:30 Rep. Linda Reksten

15:50:25 Rep. Scot Kerns

15:51:49 Rep. Laurie Bishop

15:53:22 Rep. Steven Galloway

15:54:04 Chair Larry Brewster

**Vote:** Motion failed 10-6 with Rep. Bishop, Rep. Cohenour, Rep. Kerns, Rep. Sprunger, Rep. Thane, Rep. Zolnikov, voting yes.

15:59:01 **Motion:** Vice Chair Jill Cohenour moved that **HB 328 BE TABLED.**  
**Vote:** Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 5 – Remove requirement for a county to publish notice in an adjacent county**

16:00:00 **Motion:** Rep. Linda Reksten moved that **SB 5 BE CONCURRED IN.**

16:00:30 **Motion:** Vice Chair Jill Cohenour moved that **SB 5 BE AMENDED.**

**Discussion:**

16:01:30 Vice Chair Jill Cohenour

16:01:38 Rep. Steven Galloway

16:02:00 **Motion:** Rep. Steven Galloway moved that the **AMENDMENT TO SB 5 BE CONCEPTUALLY AMENDED.**

**Vote:** Motion carried unanimously by voice vote.

**Motion:** Rep. Linda Reksten moved that **SB5 BE AMENDED.**

**Vote:** Motion carried unanimously by voice vote.

16:04:39 **Motion:** Rep. Linda Reksten moved that **SB5 BE CONCURRED IN AS AMENDED.**

**Vote:** Motion carried 12-4 by roll call vote with Rep. Galloway, Rep. Kortum, Rep. Sprunger, Rep. Zolnikov, voting no.

16:06:10 **Carrier Assigned:** Rep. Jill Cohenour

**EXECUTIVE ACTION ON SB 98 – Revise the jurisdiction area for municipal health boards**

16:06:27 **Motion:** Rep. Linda Reksten moved that **SB 98 BE CONCURRED IN.**

**Vote:** Motion carried unanimously by voice vote.

16:07:46 **Carrier Assigned:** Rep. Scot Kerns

**ADJOURNMENT**

Adjournment: 16:08:10

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LuCinda Blair, Secretary

Additional Documents: EXHIBIT(230216LOH)

230216LOH\_Hm1.docx



*The Big Sky Country*

# MONTANA HOUSE OF REPRESENTATIVES

## LOCAL GOVERNMENT COMMITTEE

### ROLL CALL

DATE: 2-16-23

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



**House Standing Committee Report**

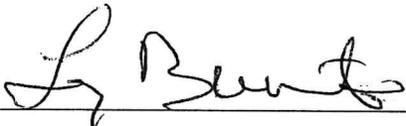
**February 16, 2023**

**page 1 of 1**

To the Speaker,

We, your committee on **(H) Local Government** recommend that **Senate Bill 5** (first reading copy – white) **Be Concurred In as Amended**. The referenced amendment is SB0005.002.001.

**Carrier:** Rep. Cohenour

Signed: 

*Rep. Larry Brewster-R, Chair*

-End-

**Committee Vote:**

**Yes 12, No 4**

*SB 2016-23  
• 7/12*



**House Standing Committee Report**

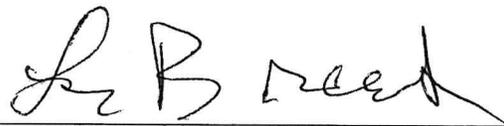
**February 16, 2023**

**page 1 of 1**

To the Speaker,

We, your committee on **(H) Local Government** recommend that **Senate Bill 98** (first reading copy – white) **Be Concurred In.**

**Carrier:** Rep. Kerns

Signed: 

*Rep. Larry Brewster-R, Chair*

-End-

**Committee Vote:**

**Yes 16, No 0**

*2/16/23  
e 7pm*

## BILL TABLED NOTICE

### House (H) Local Government

### The House (H) Local Government TABLED

HB328-Require certain govt boards to record public meetings in audio and video format- Rep. Brad Barker

HB369-Require referendum to adopt growth policy- Rep. Marty Malone

HB413-Repeal laws on preemption of local government on auxiliary containers- Rep. Ed Stafman

by motion, on Thursday February 16, 2023, (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

  
\_\_\_\_\_  
(For the Committee)

  
\_\_\_\_\_  
(For the Chief Clerk of the House)  
5:18 / 2/16/23  
(time) pm (date)



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MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 328 col. 001

DATE 2-16-23

MOTION Be amended Rep. Kerns

NAME	AYE	NO	PROXY
VICE CHAIR BERTOGLIO	✓		✓
VICE CHAIR COHENOUR	✓		
REP. BISHOP	✓		
REP. GALLOWAY	✓		
REP. GIST	✓		
REP. GUNDERSON	✓		
REP. KORTUM		✓	
REP. SPRUNGER	✓		✓
REP. ZOLNIKOV	✓		
REP. THANE	✓		
REP. REKSTEN	✓		
REP. SEEKINS-CROWE	✓		
REP. LYNCH	✓		✓
REP. ESSMANN	✓		
REP. KERNS	✓		
CHAIR BREWSTER	✓		

16 MEMBERS



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# MONTANA HOUSE OF REPRESENTATIVES

## LOCAL GOVERNMENT COMMITTEE

### ROLL CALL VOTE

BILL NUMBER HB 328

DATE 2-16-23

MOTION do Pass as once amended

NAME	AYE	NO	PROXY
VICE CHAIR BERTOGLIO		X	X
VICE CHAIR COHENOUR	X		
REP. BISHOP	X		
REP. GALLOWAY		X	
REP. GIST		X	
REP. GUNDERSON		X	
REP. KORTUM		X	
REP. SPRUNGER <i>Yes by Proxy</i>	X	<del>X</del>	X
REP. ZOLNIKOV	X		
REP. THANE	X		
REP. REKSTEN		X	
REP. SEEKINS-CROWE		X	
REP. LYNCH		X	X
REP. ESSMANN		X	
REP. KERNS	X		
CHAIR BREWSTER		X	

X      16 MEMBERS  
 6      \*  
       10



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER 369

DATE \_\_\_\_\_

MOTION To table Rep Cohenour

NAME	AYE	NO	PROXY
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		X
REP. ZOLNIKOV	X		
REP. THANE	X		
REP. REKSTEN	X		
REP. SEEKINS-CROWE	X		
REP. LYNCH	X		X
REP. ESSMANN	X		
REP. KERNS	X		
CHAIR BREWSTER	X		

16 MEMBERS



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MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER HB 413 To table DATE \_\_\_\_\_

MOTION \_\_\_\_\_

Table with 4 columns: NAME, AYE, NO, PROXY. Rows include VICE CHAIR BERTOGLIO, VICE CHAIR COHENOUR, REP. BISHOP, REP. GALLOWAY, REP. GIST, REP. GUNDERSON, REP. KORTUM, REP. SPRUNGER, REP. ZOLNIKOV, REP. THANE, REP. REKSTEN, REP. SEEKINS-CROWE, REP. LYNCH, REP. ESSMANN, REP. KERNS, CHAIR BREWSTER.

11 516 MEMBERS



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MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB 5 DATE \_\_\_\_\_

MOTION Be Amended the amendment

NAME	AYE	NO	PROXY	
VICE CHAIR BERTOGLIO	}		8	
VICE CHAIR COHENOUR				
REP. BISHOP				
REP. GALLOWAY				
REP. GIST				
REP. GUNDERSON				
REP. KORTUM				
REP. SPRUNGER				x
REP. ZOLNIKOV				
REP. THANE				
REP. REKSTEN				
REP. SEEKINS-CROWE				
REP. LYNCH				x
REP. ESSMANN				
REP. KERNS				
CHAIR BREWSTER				

16 MEMBERS



*The Big Sky Country*

MONTANA HOUSE OF REPRESENTATIVES

LOCAL GOVERNMENT COMMITTEE

ROLL CALL VOTE

BILL NUMBER SB5 as amended

DATE \_\_\_\_\_

MOTION \_\_\_\_\_

NAME	AYE	NO	PROXY
VICE CHAIR BERTOGLIO	✓		✓
VICE CHAIR COHENOUR	✓		
REP. BISHOP	✓		
REP. GALLOWAY		✓	
REP. GIST	✓		
REP. GUNDERSON	✓		
REP. KORTUM		✓	
REP. SPRUNGER		✓	
REP. ZOLNIKOV		✓	
REP. THANE	✓		
REP. REKSTEN	✓		
REP. SEEKINS-CROWE	✓		
REP. LYNCH	✓		✓
REP. ESSMANN	✓		
REP. KERNS	✓		
CHAIR BREWSTER	✓		

12

16 MEMBERS  
4



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES
AUTHORIZED
COMMITTEE PROXY
68TH LEGISLATIVE SESSION

I request to be excused from the Local Government Committee.

I desire to leave my proxy vote with Rep. Cohenour

PLEASE USE PEN

Table with columns: BILL, MOTION (Include AMENDMENT #), AYE, NO. Contains handwritten entries for bills HB336A, HB413, HB328, HB328, SB5, SB5, SB5, SB98.

I authorize my vote to be matched with that of Rep. Cohenour for any amendments proposed on this date.

Rep. Jennifer Lynch (Signature), Jennifer Lynch (Print Name), 2/16/23 (Meeting Date)



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES
AUTHORIZED
COMMITTEE PROXY
68TH LEGISLATIVE SESSION

I request to be excused from the Local Government Committee.

I desire to leave my proxy vote with Rep. Brewster

PLEASE USE PEN

Table with columns: BILL, MOTION (Include AMENDMENT #), AYE, NO. Contains handwritten entries for bills 369, 368, 413, 328, SB05, and SB98.

I authorize my vote to be matched with that of Rep. Brewster for any amendments proposed on this date.

Rep. [Signature] Marga L Bertoglio 26 Jan 23
(Signature) (Print Name) (Meeting Date)



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES
AUTHORIZED
COMMITTEE PROXY
68TH LEGISLATIVE SESSION

I request to be excused from the Local Government Committee.

I desire to leave my proxy vote with Rep. Bertoglio

PLEASE USE PEN

Table with columns: BILL, MOTION (Include AMENDMENT #), AYE, NO. Contains handwritten entries for bills 369, 360, 413, 328, 328, SB 5, and SB 98.

Table with columns: BILL, MOTION (Include AMENDMENT #), AYE, NO. This table is currently empty.

I authorize my vote to be matched with that of Rep. Bertoglio for any amendments proposed on this date.

Handwritten notes: she gave me her votes if they don't match mine. Marta Bertoglio

Rep. [Signature] (Signature)

COURTNEY SPRINGER (Print Name)

2 Feb 23 (Meeting Date)



# HB 284:

## Restoring Advanced PSC Review for Energy Resources

LC0096 protects customers and promotes Montana energy investment by restoring the Montana Public Service Commission's (PSC) advanced review process for new energy resources.

**Why it matters:** Montana needs more state-based generation to protect customers from regional price spikes and to supply the energy grid with reliable power.

- 41% of the energy that kept the heat on and lights running during the "Arctic Blast" in December was from out-of-state.
- Customers paid **\$4.7 M more** during this time for energy than they would have from a Montana power plant.

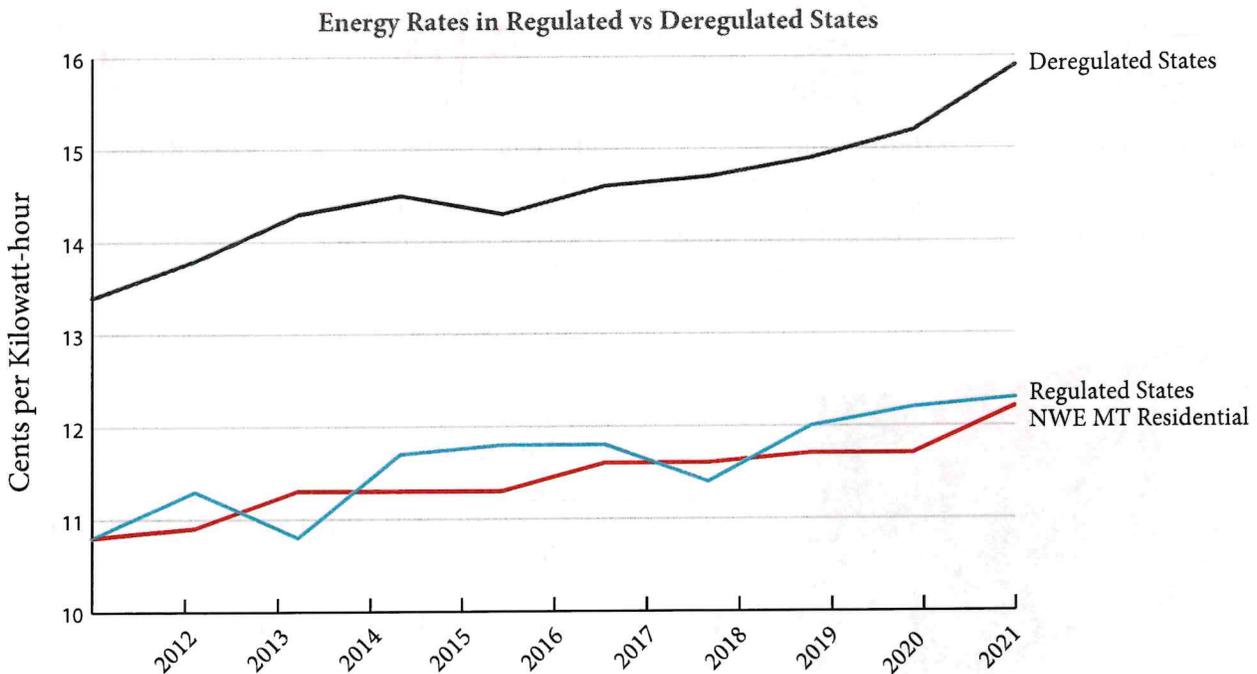
**Remind me:** In May 2022, Missoula District Judge Jason Marks ruled that Montana's electricity resource approval statute is unconstitutional because it only applies to one energy company. LC0996 corrects this deficiency, expanding the law to include ALL regulated Montana energy companies.

### Promotes energy investments that benefit Montana

- LC0996 empowers the PSC to **vet new energy resources before they are built or purchased for customers.**
- PSC review protects customers from unneeded costs and provides a sound basis for energy investments.

### Keeps energy bills low

- Energy bills are **27% lower in regulated states** where energy providers invest in long-term resources vs. deregulated state where companies don't own power generation.



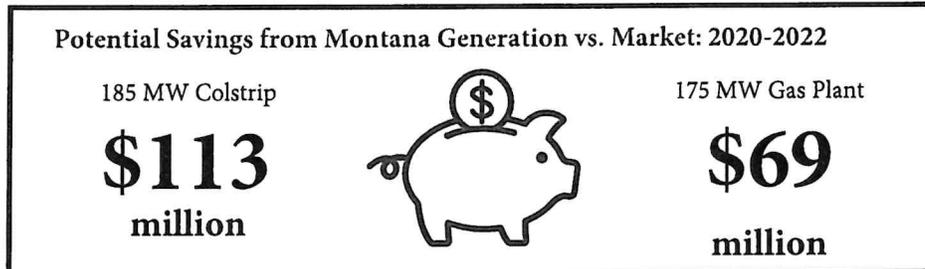
Rates - Average Percentage Higher  
 2007 - 2021

Dereg States vs NWE MT	28.6%
Dereg Sates vs Reg States	29.9%

Source: Energy Information Administration, Forms EIA-861 and EIA-861M via American Public Power Association - Retail Electric Rates in Deregulated and Regulated States: 2021 Update  
 Deregulated states include: CA, CT, DC, DE, IL, MA, MD, ME, MI, MT, NH, NJ, NY, OH, PA, RI & TX and Regulated states include all other states

## Protects the energy grid

- NorthWestern relies on out-of-state energy imports to meet 20-30% of peak energy needs (1,700 -2,000 hours per year), creating the potential for energy shortfalls.
- Customer spending on imported energy grew by 170% from 2019 to 2022 due to increased volatility in the regional market.
- High market prices cost customers \$69 million more than energy from a Montana natural gas plant and \$113 million more than energy from Colstrip.



## Creates transparency and strengthens oversight

- LC0996 allows the PSC and stakeholders to review the total costs and benefits of an energy resource in an open and transparent regulatory process.
- With advanced review, the PSC can evaluate impacts on customer rates, grid reliability, and other factors **BEFORE** a company invests in new resources.
- This approach promotes conservative spending for energy projects and ensures investments align with Montana law and directives from regulators.

## How it works



**1. Application:** The energy company files an application supporting the resource decision with volumes of data and financial information.



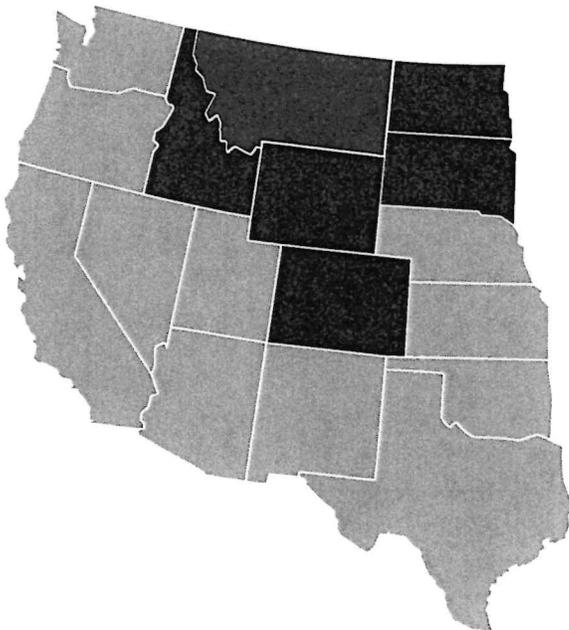
**2. Hearing:** The PSC, consumer advocate, and other stakeholders ask questions through written data requests and a public hearing.



**3. Decision:** The PSC determines whether the resource is in the public interest. If approved, the plant is only included in rates once online and serving customers.



**4. Rate Review:** The energy company must justify all construction and ongoing costs for the resource in a future rate case. Rates are based on the actual cost to construct or purchase the energy resource, not estimates.



## A best practice among states

Four states bordering Montana have an advanced review process for energy resources, including Idaho, Wyoming, North Dakota, South Dakota, and Colorado.

## Does LC0996 shift risk to customers?

No. Customers benefit from in-depth vetting of energy resources by the PSC and stakeholders **BEFORE** investment decisions are made. Rates are based on the true cost of the resource **NOT** estimates and no charges appear on monthly bills until the resource is online and generating power for customers.