

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

Call to Order: Chair Marta Bertoglio-R, on March 28, 2023 at 3:02 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. Sherry Essmann (R)
Rep. Steven Galloway (R)
Rep. Steve Gist (R)
Rep. Steve Gunderson (R)
Rep. Kelly Kortum (D)
Rep. Jennifer Lynch (D)
Rep. Linda Reksten (R)
Rep. Kerri Seekins-Crowe (R)
Rep. Courtenay Sprunger (R)
Rep. Mark Thane (D)
Rep. Katie Zolnikov (R)

Members Excused: Rep. Laurie Bishop (D)
Rep. Scot Kerns (R)

Staff Present: Heather Kellum, 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 & Date Posted:

HB 874 03/23/2023
HB 890 03/25/2023
HB 914 03/28/2023
HB 938 03/28/2023
HB 959 03/28/2023
SB 220 03/15/2023
SB 323 03/20/2023
SB 379 03/20/2023
SB 381 03/20/2023

SB 420 03/20/2023
Executive Action:

SB 170
SB 195
SB 319 TO TABLE
SB 406
SB 500 TO TABLE
HB 938 DO PASS
HB 914 DO PASS AS AMENDED
HB 890 DO PASS AS AMENDED
HB 874 DO PASS AS AMENDED
HB 959 DO PASS

HEARING ON HB 914 - Revise local government laws

Opening Statement:

15:03:43 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 914, Revise local government laws.

Proponent Testimony:

None

Opponent Testimony:

15:07:00 Ann Hedges, Montana Environmental Information Center (MEIC)

15:09:06 Kelly Lynch, Montana League of Cities and Towns (MACo)

Informational Witness Testimony:

None

Questions from Committee:

15:11:27 Vice Chair Jill Cohenour

15:12:06 Rep. Steven Galloway

15:14:50 Rep. Sherry Essmann

Closing Statement:

15:16:45 Rep. Katie Zolnikov (R), HD 45, closed the hearing on HB 914.

HEARING ON SB 420 - Require the election of city officials on even years

Opening Statement:

15:19:24 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 420, Require the election of city officials on even years.

Proponent Testimony:

15:23:02 Pam Purinton, Yellowstone County Republican Central Committee

Opponent Testimony:

15:25:35 Leonard Bates, Private Citizen

15:26:30 Steve Turkiewicz, City of Billings
15:27:12 Sam Forstag, City of Missoula and Bozeman
15:28:08 Lauren Caldwell, Montana Federation of Public Employees (MFPE)
15:30:35 Linda Schmitt, Private Citizen
15:32:30 Mindy Ferrell, Private Citizen
15:34:28 Pal Walzer, Private Citizen

Informational Witness Testimony:

15:36:17 Regina Plettenberg, Montana Association of Clerks and Recorders

Questions from Committee:

15:36:48 Rep. Kelly Kortum
15:38:43 Vice Chair Marta Bertoglio
15:40:47 Rep. Sherry Essmann
15:43:11 Rep. Laurie Bishop
15:45:30 Rep. Steven Galloway

Closing Statement:

15:46:24 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 420.

HEARING ON SB 381 - Require one council member per ward of first-class cities

Opening Statement:

15:47:18 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 381, Require one council member per ward of first-class cities.

Proponent Testimony:

15:49:52 Pam Purinton, Yellowstone County Republican Central Committee

Opponent Testimony:

15:51:50 Sam Forstag, City of Missoula and Bozeman

15:52:47 Doug Russell, Kalispell City
15:54:52 Sid Daoud, Montana Libertarian Party
15:56:58 Pam Walzer, Private Citizen

Informational Witness Testimony:

None

Questions from Committee:

15:58:57 Vice Chair Jill Cohenour
15:59:53 Laura Sankey Keip
16:00:09 Rep. Courtenay Sprunger

Closing Statement:

16:00:45 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 381.

HEARING ON HB 938 - Generally revise encroachment permit law

Opening Statement:

16:03:05 Rep. Joshua Kassmier (R), HD 27, opened the hearing on HB 938,
Generally revise encroachment permit law.

Proponent Testimony:

16:03:51 Raylee Honeycutt, Montana Stockgrowers's Association
16:05:18 Roy Rost, Fallon County Commissioner

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

16:06:11 Rep. Steven Galloway
16:07:31 Rep. Steve Gunderson

Closing Statement:

16:08:30 Rep. Joshua Kassmier (R), HD 27, closed the hearing on HB 938.

HEARING ON SB 379 - Revise zoning laws

Opening Statement:

16:09:06 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB 379, Revise zoning laws.

Proponent Testimony:

16:12:19 Rep. Alice Buckley, HD 63
16:12:58 Dillon Dean, Private Citizen
16:14:06 Henry Kriegel, Americans for Prosperity
16:14:56 Kendall Cotton, Frontier Institute
16:15:34 Jake Brown, Shelter Whitefish
16:15:49 Ethan Hanley, Associated Students of the University of Montana
16:16:14 Dan Brooks, Billings Chamber of Commerce
16:17:02 Liberty Brown, Private Citizen

Opponent Testimony:

16:19:17 Jason Priest, Private Citizen
16:22:26 Kelly Lynch, Montana League of Cities and Towns (MACo)
16:24:12 John Metroplous, Airbnb
16:25:12 Eric Bryson, Montana Association of Counties (MACo)
16:26:00 Jennifer Hensley, County of Missoula
16:27:21 Ann Schwend, Montana Environmental Informational Center (MEIC)
16:27:51 Robin Turner, City of Whitefish
16:28:33 Wyeth Friday, City of Billings

16:29:31 Sean O'Callaghan, Montana Association of Planners

16:29:55 Melissa Mitton, American Hotel and Lodging Association

Informational Witness Testimony:

None

Questions from Committee:

16:30:51 Rep. Sherry Essmann

16:33:04 Rep. Steven Galloway

16:34:53 Vice Chair Marta Bertoglio

Closing Statement:

16:36:15 Sen. Steve Fitzpatrick (R), SD 10, closed the hearing on SB 379.

HEARING ON SB 323 - Allow for duplex, triplex, and fourplex housing in city zoning

Opening Statement:

16:37:05 Sen. Jeremy Trebas (R), SD 26, opened the hearing on SB 323, Allow for duplex, triplex, and fourplex housing in city zoning.

Proponent Testimony:

16:39:58 Sen. Forrest Mandeville, SD 29

16:40:40 Kendall Cotton, Frontier Institute

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16:42:50 Jake Brown, Shelter Whitefish

16:44:32 Ethan Henley, Associated Students of the University of Montana

16:45:17 Dillon Dean, Private Citizen

16:46:07 Henry Kriegel, Americans for Prosperity

16:47:22 Daniel Carlino, City of Missoula

16:48:48 Hannah Kosel, North Missoula Community Development

16:50:04 Dan Brooks, Billings Chamber of Commerce

16:50:19 Izzy Milch, Forward Montana

16:50:37 Danny Tenenbaum, Self

Opponent Testimony:

16:51:12 Kelly Lynch, Montana League of Cities and Towns (MACo)

16:53:00 Sam Sill, Montana Association of Realtors (MAR)

16:54:47 Wyeth Friday, City of Billings

Informational Witness Testimony:

None

Questions from Committee:

16:57:06 Rep. Steven Galloway

17:00:47 Rep. Katie Zolnikov

17:04:52 Vice Chair Jill Cohenour

17:06:13 Chair Larry Brewster

17:08:29 Rep. Sherry Essmann

17:09:43 Rep. Steve Gist

17:10:12 Rep. Courtenay Sprunger

17:11:41 Rep. Mark Thane

Closing Statement:

17:15:04 Sen. Jeremy Trebas (R), SD 26, closed the hearing on SB 323.

17:19:02 **Recessed**

17:37:10 **Reconvened**

HEARING ON SB 220 - Include public infrastructure and county-owned parks in municipal annexation

Opening Statement:

17:38:11 Sen. Carl Glimm (R), SD 6, opened the hearing on SB 220, Include public infrastructure and county-owned parks in municipal annexation.

Proponent Testimony:

17:39:50 Eric Bryson, Montana Association of Counties (MACo)

17:41:15 Jennifer Hensley, County of Missoula

17:41:43 Randy Brodehl, Flathead County Commissioner

17:43:09 Emily Brock, County of Missoula

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

17:45:26 Sen. Carl Glimm (R), SD 6, closed the hearing on SB 220.

HEARING ON HB 890 - Require certain govt boards to provide audio/video recordings of public meetings

Opening Statement:

17:45:50 Rep. Brad Barker (R), HD 58, opened the hearing on HB 890, Require certain govt boards to provide audio/video recordings of public meetings.

Proponent Testimony:

17:48:31 Rhonda Wiggers, Montana Broadcasters Association

17:49:22 Ann Hedges, Montana Environmental Information Center (MEIC)

Opponent Testimony:

17:50:09 Eric Bryson, Montana Association of Counties (MACo)
17:52:26 Thomas Jodoin, Montana League and Cities and Towns (MTLCT)
17:53:20 Dan Ellison, Jefferson County Commission
17:54:07 Roy Rost, Fallon County Commission

Informational Witness Testimony:

None

Questions from Committee:

17:56:27 Vice Chair Jill Cohenour

Closing Statement:

17:57:34 Rep. Brad Barker (R), HD 58, closed the hearing on HB 890.

HEARING ON HB 959 - Allow regulation of roadside solicitation in unincorporated places

Opening Statement:

17:58:12 Rep. Tanner Smith (R), HD 11, opened the hearing on HB 959, Allow regulation of roadside solicitation in unincorporated places.

Proponent Testimony:

17:59:08 Eric Bryson, Montana Association of Counties (MACo)
18:00:44 Randy Brodehl, Flathead County Commission

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

18:02:20 Rep. Scot Kerns
18:03:46 Rep. Sherry Essmann

18:05:04 Rep. Scot Kerns
18:06:04 Rep. Kelly Kortum
18:06:52 Rep. Courtenay Sprunger

Closing Statement:

18:07:51 Rep. Tanner Smith (R), HD 11, closed the hearing on HB 959.

HEARING ON HB 874 - Revise examination fees for exempt divisions of land

Opening Statement:

18:08:50 Chair Larry Brewster (R), HD 44, opened the hearing on HB 874, Revise examination fees for exempt divisions of land.

Proponent Testimony:

18:09:59 Sen. Forrest Mandeville, SD 29
18:11:55 Kelly Lynch, Montana League of Cities and Towns (MTLCT)
18:12:16 Steve Turkiewicz, City of Billings
18:13:12 Wyeth Friday, City of Billings

Opponent Testimony:

18:16:14 Sam Sill, Montana Association of Realtors (MAR)

Informational Witness Testimony:

None

Questions from Committee:

18:17:35 Vice Chair Jill Cohenour

Closing Statement:

18:18:32 Chair Larry Brewster (R), HD 44, closed the hearing on HB 874.

18:20:12 **Recessed**

18:37:58 **Reconvened**

EXECUTIVE ACTION ON SB 170 - Allow for administrative minor subdivision process

18:39:15 **Motion:** Rep. Marta Bertoglio moved that **SB 170 BE CONCURRED IN.**

Discussion:

18:39:20 Rep. Steven Galloway

18:39:23 Laura Sankey Keip

18:39:27 **Motion:** Rep. Scot Kerns moved that **SB 170 BE AMENDED.**

18:39:27 **Vote:** Motion carried unanimously by voice vote.

18:39:58 **Motion:** Rep. Marta Bertoglio moved that **SB 170 BE CONCURRED IN AS AMENDED.**

18:39:58 **Vote:** Motion carried unanimously by voice vote.

18:39:58 **Carrier Assigned:** Rep. Steven Galloway

EXECUTIVE ACTION ON SB 195 - Exempt certain structures from building code fire sprinkler requirement

18:40:47 **Motion:** Rep. Marta Bertoglio moved that **SB 195 BE CONCURRED IN.**

18:41:22 **Motion:** Rep. Scot Kerns moved that **SB 195 BE AMENDED.**

Discussion:

18:41:42 Vice Chair Jill Cohenour

18:41:48 Rep. Steven Galloway

Vote: Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.
Rep. Kortum, By Proxy

18:42:55 **Motion:** Rep. Marta Bertoglio moved that **SB 195 BE CONCURRED IN AS AMENDED.**

Discussion:

18:43:08 Rep. Katie Zolnikov

18:43:36 Rep. Steven Galloway

18:44:28 Rep. Scot Kerns

Vote: Motion carried unanimously by voice vote.

Carrier Assigned: Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 319 - Revise laws related to tracts of record

18:45:07 **Motion:** Rep. Marta Bertoglio moved that **SB 319 BE CONCURRED IN.**

Discussion:

18:45:25 Vice Chair Jill Cohenour

18:46:05 **Motion:** Rep. Jill Cohenour moved that **SB 319 BE TABLED.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 406 - Revise laws related to local building codes

18:46:33 **Motion:** Rep. Marta Bertoglio moved that **SB 406 BE CONCURRED IN.**

Discussion:

18:46:53 Rep. Scot Kerns

18:47:18 Rep. Mark Thane

Vote: Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.
Rep. Kortum, By Proxy

Carrier Assigned: Rep. Scot Kerns

EXECUTIVE ACTION ON SB 500 - Provide uniform duration limit for latecomer agreements

18:49:28 **Motion:** Rep. Marta Bertoglio moved that **SB 500 BE CONCURRED IN.**

18:49:50 **Motion:** Rep. Scot Kerns moved that **SB 500 BE TABLED.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 938 - Generally revise encroachment permit law

18:50:27 **Motion:** Rep. Marta Bertoglio moved that **HB 938 DO PASS.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 914 - Revise local government laws

18:51:10 **Motion:** Rep. Marta Bertoglio moved that **HB 914 DO PASS.**

Discussion:

18:51:39 Vice Chair Jill Cohenour

18:51:44 **Motion:** Rep. Jill Cohenour moved that **HB 914 BE AMENDED.**

Discussion:

18:52:23 Rep. Katie Zolnikov

Vote: Motion carried unanimously by voice vote.

18:53:00 **Motion:** Rep. Marta Bertoglio moved that **HB 914 DO PASS AS AMENDED.**

Discussion:

18:53:17 Rep. Steven Galloway

18:53:32 Rep. Katie Zolnikov

18:54:49 Rep. Laurie Bishop

Vote: Motion carried 12 - 4 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Lynch, Rep. Thane, voting no.

EXECUTIVE ACTION ON HB 890 - Require certain govt boards to provide audio/video recordings of public meetings

18:56:49 **Motion:** Rep. Marta Bertoglio moved that **HB 890 DO PASS.**

18:57:17 **Motion:** Rep. Marta Bertoglio moved that **HB 890 BE AMENDED.**

Discussion:

18:57:33 Laura Sankey Keip

Vote: Motion carried unanimously by voice vote.

18:58:09 **Motion:** Rep. Marta Bertoglio moved that **HB 890 DO PASS AS AMENDED.**

Vote: Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 874 - Revise examination fees for exempt divisions of land

18:58:48 **Motion:** Rep. Marta Bertoglio moved that **HB 874 DO PASS.**

18:59:10 **Motion:** Rep. Jill Cohenour moved that **HB 874 BE AMENDED.**

Vote: Motion carried unanimously by voice vote.

18:59:36 **Motion:** Rep. Marta Bertoglio moved that **HB 874 DO PASS AS AMENDED.**

Vote: Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON HB 959 - Allow regulation of roadside solicitation in
unincorporated places**

19:00:08 **Motion:** Rep. Marta Bertoglio moved that **HB 959 DO PASS.**

19:00:29 **Motion:** Rep. Jill Cohenour moved that **HB 959 TO TABLE.**

Vote: Motion failed 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour,
Rep. Kortum, Rep. Lynch, Rep. Thane, voting yes.
Rep. Kortum, By Proxy

19:02:00 **Motion:** Rep. Marta Bertoglio moved that **HB 959 DO PASS.**

Vote: Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour,
Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.
Rep. Kortum, By Proxy

ADJOURNMENT

Adjournment: 19:03:31

Heather Kellum, Secretary

Additional Documents: [EXHIBIT\(230328LOHaad\)](#)