

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

Call to Order: Chair Larry Brewster-R, on April 04, 2023 at 4:12 PM, in 472

ROLL CALL

Members Present: Rep. Larry Brewster, Chair (R)
Rep. Marta Bertoglio, Vice Chair (R)
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. Courtenay Sprunger (R)
Rep. Mark Thane (D)
Rep. Katie Zolnikov (R)

Members Excused: Rep. Laurie Bishop (D)
Rep. Jill Cohenour (D)
Rep. Scot Kerns (R)
Rep. Linda Reksten (R)
Rep. Kerri Seekins-Crowe (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:

SB 330 03/23/2023
SB 331 03/23/2023
SB 335 03/23/2023
SB 358 03/23/2023

Executive Action:

SB 174
SB 206 TO TABLE
SB 220

SB 245

SB 275

SB 323

SB 327

SB 379 TO TABLE

SB 381

SB 382

SB 407

SB 420 TO TABLE

16:40:06 Rep. Reksten has arrived

HEARING ON SB 335 - Allow fraternity or sorority houses near college and university campuses

Opening Statement:

16:13:48 Sen. Chris Friedel (R), SD 26, opened the hearing on SB 335, Allow fraternity or sorority houses near college and university campuses.

Proponent Testimony:

16:14:50 Laurili Michael-Owens, Associated Students of Montana State University

16:15:46 Benjamin Kuiper, Private Citizen

Opponent Testimony:

16:17:23 Kathy Powell, Private Citizen

16:21:48 Jeffrey Loeb, Private Citizen

16:26:16 Bob Rydell, Private Citizen

16:29:04 Henry Tesar, Private Citizen

16:32:22 Kristin Charron, Private Citizen

16:34:11 Richard Charron, Private Citizen

16:37:06 Kathy Rich, Private Citizen

16:39:35 Bob Horne, Private Citizen

Informational Witness Testimony:

None

Questions from Committee:

16:44:46 Rep. Kelly Kortum

16:47:36 Rep. Steve Gist

16:48:24 Rep. Steven Galloway
16:49:37 Rep. Sherry Essmann
16:51:50 Rep. Courtenay Sprunger
16:53:46 Rep. Mark Thane

Closing Statement:

16:54:31 Sen. Chris Friedel (R), SD 26, closed the hearing on SB 335.

HEARING ON SB 330 - Require county clerks to accept electronic notarizations

Opening Statement:

16:55:30 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 330, Require county clerks to accept electronic notarizations.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

16:57:49 Rep. Steven Galloway

Closing Statement:

16:58:42 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 330.

HEARING ON SB 331 - Revise condo and townhouse exemptions

Opening Statement:

16:59:05 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 331, Revise condo and townhouse exemptions.

Proponent Testimony:

17:01:21 Alan McCormick, Montana Association of Realtors

Opponent Testimony:

17:03:32 Sam Forstag, Cities of Missoula and Bozeman

Informational Witness Testimony:

None

Questions from Committee:

17:04:54 Rep. Courtenay Sprunger

Proponent Testimony:

None

HEARING ON SB 358 - Require disclosure of taxpayer funds for lobbying by local governments/schools

Opening Statement:

17:08:16 Sen. Greg Hertz (R), SD 6, opened the hearing on SB 358, Require disclosure of taxpayer funds for lobbying by local governments/schools.

Proponent Testimony:

None

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

None

Closing Statement:

17:12:09 Sen. Greg Hertz (R), SD 6, closed the hearing on SB 358.

17:15:27 **Recessed**

17:57:05 Rep. Bishop has arrived

17:57:19 **Reconvened**

EXECUTIVE ACTION ON SB 174 - Allow counties funding for broadband infrastructure

17:57:33 **Motion:** Rep. Marta Bertoglio moved that **SB 174 BE CONCURRED IN.**

17:57:33 **Vote:** Motion carried unanimously by voice vote.

17:57:33 **Carrier Assigned:** Rep. Steve Gist

EXECUTIVE ACTION ON SB 206 - Exempt certain cell phone use from local ordinances

17:58:47 **Motion:** Rep. Marta Bertoglio moved that **SB 206 BE CONCURRED IN.**

17:58:47 **Vote:** Motion failed 10 - 6 by voice vote with Rep. Brewster, Rep. Galloway, Rep. Kerns, Rep. Seekins-Crowe, Rep. Sprunger, Rep. Zolnikov, voting yes. Rep. Kerns, Rep. Seekins-Crowe, By Proxy

18:00:13 **Motion:** Rep. Larry Brewster moved that **SB 206 TO TABLE.**

18:00:13 **Vote:** Motion carried unanimously by voice vote.

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

18:00:30 **Motion:** Rep. Marta Bertoglio moved that **SB 220 BE CONCURRED IN.**

Discussion:

18:00:51 Rep. Steven Galloway

18:00:30 **Vote:** Motion carried unanimously by voice vote.

18:00:30 **Carrier Assigned:** Rep. Scot Kerns

EXECUTIVE ACTION ON SB 245 - Revise municipal zoning to allow multifamily and mixed use development

18:01:56 **Motion:** Rep. Marta Bertoglio moved that **SB 245 BE CONCURRED IN.**

18:02:12 **Motion:** Rep. Katie Zolnikov moved that **SB 245 BE AMENDED.**

Discussion:

18:02:28 Rep. Katie Zolnikov

18:03:51 Rep. Mark Thane
18:04:41 Laura Sankey Keip
18:02:12 **Vote:** Motion carried unanimously by voice vote.
18:06:12 **Motion:** Rep. Marta Bertoglio moved that **SB 245 BE CONCURRED IN AS AMENDED.**

Discussion:

18:06:29 Rep. Linda Reksten
18:06:43 Rep. Katie Zolnikov
18:06:12 **Vote:** Motion carried 14 - 2 by voice vote with Rep. Cohenour, Rep. Thane, voting no.
Rep. Cohenour, By Proxy
18:06:12 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 275 - Revise definition of proposed mixing zone & well isolation zone

18:08:19 **Motion:** Rep. Marta Bertoglio moved that **SB 275 BE CONCURRED IN.**

Discussion:

18:08:49 Rep. Steven Galloway
18:08:51 Rep. Laurie Bishop
18:09:24 Rep. Linda Reksten
18:10:17 Rep. Courtenay Sprunger
18:10:26 Rep. Laurie Bishop
18:11:37 Rep. Steven Galloway
18:12:00 Vice Chair Marta Bertoglio
18:12:43 Rep. Steve Gunderson
18:08:19 **Vote:** Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.
Rep. Cohenour, By Proxy
18:08:19 **Carrier Assigned:** Rep. Steve Gunderson

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

18:14:04 **Motion:** Rep. Marta Bertoglio moved that **SB 323 BE CONCURRED IN.**

18:14:26 **Motion:** Rep. Katie Zolnikov moved that **SB 323 BE AMENDED.**

Discussion:

18:14:36 Rep. Katie Zolnikov

18:15:35 Laura Sankey Keip

18:16:29 Rep. Steven Galloway

18:17:11 Rep. Courtenay Sprunger

18:14:26 **Vote:** Motion carried unanimously by voice vote.

18:17:47 **Motion:** Rep. Marta Bertoglio moved that **SB 323 BE CONCURRED IN AS AMENDED.**

18:17:47 **Vote:** Motion carried 13 - 3 by voice vote with Rep. Cohenour, Rep. Lynch, Rep. Thane, voting no.
Rep. Cohenour, By Proxy

18:17:47 **Carrier Assigned:** Rep. Katie Zolnikov

EXECUTIVE ACTION ON SB 327 - Allow water well at any location within setbacks

18:19:10 **Motion:** Rep. Marta Bertoglio moved that **SB 327 BE CONCURRED IN.**

18:19:36 **Motion:** Rep. Marta Bertoglio moved that **SB 327 BE AMENDED.**

Discussion:

18:19:48 Laura Sankey Keip

18:19:36 **Vote:** Motion carried unanimously by voice vote.

18:20:45 **Motion:** Rep. Marta Bertoglio moved that **SB 327 BE CONCURRED IN AS AMENDED.**

Discussion:

18:20:58 Rep. Steve Gunderson

18:20:45 **Vote:** Motion carried unanimously by voice vote.

18:20:45 **Carrier Assigned:** Rep. Steve Gunderson

EXECUTIVE ACTION ON SB 379 - Revise zoning laws

18:21:56 **Motion:** Rep. Marta Bertoglio moved that **SB 379 BE CONCURRED IN.**

18:21:56 **Vote:** Motion failed 9 - 7 by voice vote with Rep. Brewster, Rep. Cohenour, Rep. Kerns, Rep. Kortum, Rep. Lynch, Rep. Seekins-Crowe, Rep. Zolnikov,

voting yes.

Rep. Cohenour, Rep. Kerns, Rep. Lynch, Rep. Seekins-Crowe, By Proxy

18:32:09 **Motion:** Rep. Marta Bertoglio moved that **SB 379 TO TABLE.**

18:32:09 **Vote:** Motion carried unanimously by voice vote.

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

18:32:23 **Motion:** Rep. Marta Bertoglio moved that **SB 381 BE CONCURRED IN.**

18:32:40 **Motion:** Rep. Marta Bertoglio moved that **SB 381 BE AMENDED.**

Discussion:

18:33:27 Rep. Courtenay Sprunger

18:32:40 **Vote:** Motion carried 11 - 5 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Kortum, Rep. Lynch, Rep. Thane, voting no.
Rep. Cohenour, Rep. Lynch, By Proxy

18:35:01 **Motion:** Rep. Marta Bertoglio moved that **SB 381 BE CONCURRED IN AS AMENDED.**

Discussion:

18:35:09 Rep. Mark Thane

18:35:01 **Vote:** Motion carried 9 - 7 by voice vote with Rep. Bishop, Rep. Cohenour, Rep. Gunderson, Rep. Kortum, Rep. Lynch, Rep. Reksten, Rep. Thane, voting no.
Rep. Cohenour, By Proxy

18:35:01 **Carrier Assigned:** Rep. Larry Brewster

EXECUTIVE ACTION ON SB 382 - Create the Montana Land Use Planning Act

18:37:13 **Motion:** Rep. Marta Bertoglio moved that **SB 382 BE CONCURRED IN.**

18:37:29 **Motion:** Rep. Marta Bertoglio moved that **SB 382 BE AMENDED.**

Discussion:

18:37:41 Laura Sankey Keip

18:37:29 **Vote:** Motion carried unanimously by voice vote.

18:38:53 **Motion:** Rep. Marta Bertoglio moved that **SB 382 BE AMENDED.**

Discussion:

18:39:06 Laura Sankey Keip

18:38:53 **Vote:** Motion carried unanimously by voice vote.

18:40:32 **Motion:** Rep. Marta Bertoglio moved that **SB 382 BE CONCURRED IN AS AMENDED.**

18:40:32 **Vote:** Motion carried unanimously by voice vote.

18:40:32 **Carrier Assigned:** Rep. Larry Brewster

EXECUTIVE ACTION ON SB 407 - Revise municipal zoning laws

18:41:13 **Motion:** Rep. Marta Bertoglio moved that **SB 407 BE CONCURRED IN.**

18:41:29 **Motion:** Rep. Marta Bertoglio moved that **SB 407 BE AMENDED.**

Discussion:

18:41:42 Laura Sankey Keip

18:41:29 **Vote:** Motion carried unanimously by voice vote.

18:42:19 **Motion:** Rep. Marta Bertoglio moved that **SB 407 BE CONCURRED IN AS AMENDED.**

18:42:19 **Vote:** Motion carried 15 - 1 by voice vote with Rep. Kortum, voting no.

18:42:19 **Carrier Assigned:** Rep. Larry Brewster

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

18:44:05 **Motion:** Rep. Marta Bertoglio moved that **SB 420 BE CONCURRED IN.**

Discussion:

18:44:28 Rep. Kelly Kortum

18:45:00 Rep. Mark Thane

18:45:07 **Motion:** Rep. Katie Zolnikov moved that **SB 420 BE AMENDED.**

Discussion:

18:45:19 Rep. Katie Zolnikov

18:45:07 **Vote:** Motion carried 15 - 1 by voice vote with Rep. Bishop, voting no.

18:46:34 **Motion:** Rep. Marta Bertoglio moved that **SB 420 BE AMENDED.**

Discussion:

18:46:45 Laura Sankey Keip

18:46:34 **Vote:** Motion carried unanimously by voice vote.

- 18:48:26 **Motion:** Rep. Marta Bertoglio moved that **SB 420 BE CONCURRED IN AS AMENDED.**
- 18:48:26 **Vote:** Motion failed 10 - 6 by voice vote with Rep. Brewster, Rep. Essmann, Rep. Galloway, Rep. Kerns, Rep. Seekins-Crowe, Rep. Zolnikov, voting yes. Rep. Kerns, Rep. Seekins-Crowe, By Proxy
- 18:49:30 **Motion:** Rep. Marta Bertoglio moved that **SB 420 TO TABLE.**
- 18:49:30 **Vote:** Motion carried unanimously by voice vote.

ADJOURNMENT

Adjournment: 18:50:46

Heather Kellum, Secretary

Additional Documents: [EXHIBIT\(230404LOHaad\)](#)