

MINUTES
MONTANA SENATE
68th LEGISLATURE - REGULAR SESSION
COMMITTEE ON (S) LOCAL GOVERNMENT

Call to Order: Chair Kenneth Bogner-R, on April 12, 2023 at 2:53 PM, in 405

ROLL CALL

Members Present: Sen. Chris Friedel, Chair (R)
Sen. Kenneth Bogner, Vice Chair (R)
Sen. Mary Ann Dunwell, Vice Chair (D)
Sen. Ellie Boldman (D)
Sen. Forrest Mandeville (R)
Sen. Christopher Pope (D)
Sen. Jeremy Trebas (R)
Sen. Terry Vermeire (R)

Members Excused: Sen. Daniel Zolnikov (R)

Staff Present: Toni Henneman, Research Analyst
Lorna Mason, Secretary

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 04/06/2023
HB 890 04/06/2023
HB 914 04/06/2023

Executive Action:

HB 33
HB 35
HB 118
HB 198
HB 215
HB 241
HB 262
HB 279 TO TABLE
HB 304 TO TABLE
HB 339 TO TABLE
HB 364
HB 433

HB 435
HB 455
HB 534
HB 592
HB 653 TO TABLE
HB 685
HB 731
HB 748
HB 780 TO TABLE

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

Opening Statement:

15:15:34 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:

15:17:46 Eric Bryson, Montana Association of Counties (MACo)

15:19:17 Kelly Lynch, Montana League of Cities and Towns (MTLCT)

15:19:43 Rhonda Wiggers, Montana Broadcasters Association (MBA)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

15:21:10 Sen. Forrest Mandeville

15:21:16 Rep. Brad Barker-R

15:22:27 Sen. Forrest Mandeville

15:22:36 Rep. Brad Barker-R

Closing Statement:

15:24:03 Rep. Brad Barker (R), HD 58, closed the hearing on HB 890.

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

Opening Statement:

15:51:12 Rep. Larry Brewster (R), HD 44, opened the hearing on HB 874, Revise examination fees for exempt divisions of land.

Proponent Testimony:

15:53:28 Kelly Lynch, Montana League of Cities and Towns (MTLCT)

15:54:23 Sam Sill, Montana Association of Realtors (MAR)

15:55:01 Steve Turkiewicz, City of Billings

[EXHIBIT\(230412LOSa1\)](#)

Opponent Testimony:

None

Informational Witness Testimony:

None

Questions from Committee:

15:56:55 Vice Chair Mary Ann Dunwell

15:57:46 Rep. Larry Brewster-R

Closing Statement:

15:58:58 Rep. Larry Brewster (R), HD 44, closed the hearing on HB 874.

HEARING ON HB 914 - Revise local government laws

Opening Statement:

16:00:41 Rep. Katie Zolnikov (R), HD 45, opened the hearing on HB 914, Revise local government laws.

Proponent Testimony:

None

Opponent Testimony:

16:04:05 Ann Schwend, Montana Environmental Information Center (MEIC)

Informational Witness Testimony:

None

Questions from Committee:

16:07:08 Sen. Jeremy Trebas
16:07:11 Ann Schwend, MEIC
16:11:11 Sen. Christopher Pope
16:11:48 Rep. Katie Zolnikov-R
16:15:12 Sen. Forrest Mandeville
16:16:08 Rep. Katie Zolnikov-R
16:17:40 Chair Chris Friedel
16:18:46 Rep. Katie Zolnikov-R
16:21:12 Sen. Forrest Mandeville
16:21:15 Chair Chris Friedel
16:22:43 Rep. Katie Zolnikov-R
16:22:48 Vice Chair Mary Ann Dunwell
16:23:10 Rep. Katie Zolnikov-R

Closing Statement:

16:23:36 Rep. Katie Zolnikov (R), HD 45, closed the hearing on HB 914.

EXECUTIVE ACTION ON HB 33 - Allow county commissioners to initiate certain civil proceedings

16:26:51 **Motion:** Vice Chair Kenneth Bogner moved that **HB 33 BE CONCURRED IN.**
16:26:51 **Vote:** Motion carried 8 - 1 by voice vote with Sen. Trebas, voting no.
16:26:51 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 35 - Remove appointed members & allow ex officio members on county water/sewer board

16:27:57 **Motion:** Vice Chair Kenneth Bogner moved that **HB 35 BE CONCURRED IN.**

16:28:12 **Motion:** Vice Chair Kenneth Bogner moved that **HB 35 BE AMENDED.**

Discussion:

16:28:50 Chair Chris Friedel

16:30:25 Vice Chair Mary Ann Dunwell

16:31:56 Sen. Christopher Pope

16:33:26 Toni Henneman

16:28:12 **Vote:** Motion carried 7 - 2 by roll call vote with Sen. Boldman, Sen. Dunwell, voting no.

16:35:04 **Motion:** Vice Chair Kenneth Bogner moved that **HB 35 BE CONCURRED IN AS AMENDED.**

16:35:04 **Vote:** Motion carried 8 - 1 by roll call vote with Sen. Dunwell, voting no.

16:35:04 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 118 - Revise warrant of distraint as statewide lien for certain funds

16:40:16 **Motion:** Vice Chair Kenneth Bogner moved that **HB 118 BE CONCURRED IN.**

16:40:24 **Motion:** Sen. Forrest Mandeville moved that **HB 118 BE AMENDED.**

16:40:24 **Vote:** Motion carried unanimously by voice vote.

16:42:00 **Motion:** Vice Chair Kenneth Bogner moved that **HB 118 BE CONCURRED IN AS AMENDED.**

16:42:00 **Vote:** Motion carried unanimously by voice vote.

16:42:00 **Carrier Assigned:** Sen. Forrest Mandeville

EXECUTIVE ACTION ON HB 198 - Provide for municipal authority regarding encroachments

16:43:11 **Motion:** Vice Chair Kenneth Bogner moved that **HB 198 BE CONCURRED IN.**

16:43:20 **Motion:** Vice Chair Kenneth Bogner moved that **HB 198 BE AMENDED.**

16:43:20 **Vote:** Motion carried unanimously by voice vote.

16:45:17 **Motion:** Vice Chair Kenneth Bogner moved that **HB 198 BE CONCURRED IN AS AMENDED.**

16:45:17 **Vote:** Motion carried unanimously by voice vote.

16:45:17 **Carrier Assigned:** Sen. Dan Bartel

EXECUTIVE ACTION ON HB 215 - Revise the definition of the governing body of a local health board

16:46:13 **Motion:** Vice Chair Kenneth Bogner moved that **HB 215 BE CONCURRED IN.**

Discussion:

16:46:33 Vice Chair Mary Ann Dunwell

16:46:13 **Vote:** Motion carried unanimously by voice vote.

16:46:13 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 241 - Prohibit government from requiring buildings be constructed with solar panels

16:47:19 **Motion:** Vice Chair Kenneth Bogner moved that **HB 241 BE CONCURRED IN.**

16:47:35 **Motion:** Vice Chair Kenneth Bogner moved that **HB 241 BE AMENDED.**

Discussion:

16:49:09 Sen. Forrest Mandeville

16:47:35 **Vote:** Motion carried unanimously by roll call vote.

16:58:50 **Motion:** Vice Chair Kenneth Bogner moved that **HB 241 BE CONCURRED IN AS AMENDED.**

16:58:50 **Vote:** Motion carried 6 - 3 by roll call vote with Sen. Boldman, Sen. Dunwell, Sen. Pope, voting no.

16:58:50 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 262 - Revise local government financial reporting and audit requirements

17:02:28 **Motion:** Vice Chair Kenneth Bogner moved that **HB 262 BE CONCURRED IN.**

17:02:28 **Vote:** Motion carried unanimously by voice vote.

17:02:28 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 279 - Revise alcohol laws related to server training

- 17:03:14 **Motion:** Vice Chair Kenneth Bogner moved that **HB 279 BE CONCURRED IN.**
- 17:03:28 **Motion:** Vice Chair Kenneth Bogner moved that **HB 279 BE AMENDED.**
- 17:03:28 **Vote:** Motion carried unanimously by voice vote.
- 17:04:41 **Motion:** Vice Chair Kenneth Bogner moved that **HB 279 BE CONCURRED IN AS AMENDED.**
- 17:04:41 **Vote:** Motion carried unanimously by voice vote.
- 17:05:46 **Motion:** Vice Chair Kenneth Bogner moved that **HB 279 TO TABLE.**
- 17:05:46 **Vote:** Motion carried 7 - 2 by voice vote with Sen. Boldman, Sen. Dunwell, voting no.

EXECUTIVE ACTION ON HB 304 - Require Marijuana producer and processor facility air and odor filtration

- 17:06:30 **Motion:** Vice Chair Kenneth Bogner moved that **HB 304 BE CONCURRED IN.**
- 17:06:39 **Motion:** Vice Chair Kenneth Bogner moved that **HB 304 BE AMENDED.**
- Discussion:**
- 17:07:03 Toni Henneman
- 17:08:52 Chair Chris Friedel
- 17:09:11 Toni Henneman
- 17:09:20 Sen. Ellie Boldman
- 17:11:53 Sen. Jeremy Trebas
- 17:06:39 **Vote:** Motion carried unanimously by roll call vote.
- 17:13:26 **Motion:** Vice Chair Kenneth Bogner moved that **HB 304 BE CONCURRED IN AS AMENDED.**

Discussion:

- 17:13:41 Vice Chair Mary Ann Dunwell
- 17:14:41 Sen. Ellie Boldman
- 17:16:41 Sen. Jeremy Trebas
- 17:16:58 Sen. Christopher Pope
- 17:18:19 Chair Chris Friedel

- 17:18:53 Sen. Ellie Boldman
- 17:13:26 **Vote:** Motion failed 5 - 4 by roll call vote with Sen. Friedel, Sen. Mandeville, Sen. Trebas, Sen. Vermeire, voting yes.
- 17:23:24 **Motion:** Vice Chair Kenneth Bogner moved that **HB 304 TO TABLE.**
- 17:23:24 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 339 - Establish laws for autonomous vehicles

- 17:23:50 **Motion:** Vice Chair Kenneth Bogner moved that **HB 339 BE CONCURRED IN.**
- 17:23:58 **Motion:** Vice Chair Kenneth Bogner moved that **HB 339 BE AMENDED.**

Discussion:

- 17:24:24 Toni Henneman
- 17:25:32 Chair Chris Friedel
- 17:26:18 Sen. Forrest Mandeville
- 17:26:40 Toni Henneman
- 17:27:12 Vice Chair Mary Ann Dunwell
- 17:28:38 Chair Chris Friedel
- 17:23:58 **Vote:** Motion carried 8 - 1 by voice vote with Sen. Mandeville, voting no.
- 17:29:56 **Motion:** Vice Chair Kenneth Bogner moved that **HB 339 BE CONCURRED IN AS AMENDED.**

Discussion:

- 17:30:25 Vice Chair Kenneth Bogner
- 17:31:46 Chair Chris Friedel
- 17:31:56 Sen. Ellie Boldman
- 17:32:55 Sen. Forrest Mandeville
- 17:33:22 Chair Chris Friedel
- 17:34:12 Toni Henneman
- 17:29:56 **Vote:** Motion carried unanimously by voice vote.
- 17:37:52 **Motion:** Sen. Forrest Mandeville moved that **HB 339 TO TABLE.**
- 17:37:52 **Vote:** Motion carried 8 - 1 by roll call vote with Sen. Trebas, voting no.

EXECUTIVE ACTION ON HB 364 - Allow for independent subdivision reviews for past due applications

17:40:11 **Motion:** Sen. Forrest Mandeville moved that **HB 364 BE CONCURRED IN.**

17:40:25 **Motion:** Sen. Forrest Mandeville moved that **HB 364 BE AMENDED.**

Discussion:

17:41:36 Sen. Forrest Mandeville

17:43:44 Vice Chair Mary Ann Dunwell

17:40:25 **Vote:** Motion carried unanimously by voice vote.

17:45:52 **Motion:** Vice Chair Kenneth Bogner moved that **HB 364 BE CONCURRED IN AS AMENDED.**

17:45:52 **Vote:** Motion carried 8 - 1 by voice vote with Sen. Dunwell, voting no.

17:45:52 **Carrier Assigned:** Sen. Forrest Mandeville

EXECUTIVE ACTION ON HB 433 - Clarify use of certain refrigerants

17:46:57 **Motion:** Vice Chair Kenneth Bogner moved that **HB 433 BE CONCURRED IN.**

Discussion:

17:47:13 Chair Chris Friedel

17:48:16 Vice Chair Mary Ann Dunwell

17:49:26 Sen. Forrest Mandeville

17:46:57 **Vote:** Motion carried 8 - 1 by voice vote with Sen. Friedel, voting no.

17:46:57 **Carrier Assigned:** Sen. Forrest Mandeville

EXECUTIVE ACTION ON HB 435 - Revise water right laws related to exempt wells

17:51:00 **Motion:** Vice Chair Kenneth Bogner moved that **HB 435 BE CONCURRED IN.**

17:51:00 **Vote:** Motion carried unanimously by voice vote.

17:51:00 **Carrier Assigned:** Sen. Daniel Zolnikov

EXECUTIVE ACTION ON HB 455 - Revise alcohol laws relating to certain products

17:51:59 **Motion:** Vice Chair Kenneth Bogner moved that **HB 455 BE CONCURRED IN.**

17:52:08 **Motion:** Sen. Forrest Mandeville moved that **HB 455 BE AMENDED.**

Discussion:

17:52:29 Sen. Forrest Mandeville

17:52:43 Vice Chair Mary Ann Dunwell

17:52:08 **Vote:** Motion carried unanimously by voice vote.

17:54:33 **Motion:** Vice Chair Kenneth Bogner moved that **HB 455 BE CONCURRED IN AS AMENDED.**

17:54:33 **Vote:** Motion carried unanimously by voice vote.

17:54:33 **Carrier Assigned:** Sen. Terry Vermeire

EXECUTIVE ACTION ON HB 534 - Revise collections limit for actions brought before city court

17:56:18 **Motion:** Vice Chair Kenneth Bogner moved that **HB 534 BE CONCURRED IN.**

17:56:18 **Vote:** Motion carried unanimously by voice vote.

17:56:18 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 592 - Direct DEQ to allow the installation of certain new septic systems

17:57:39 **Motion:** Vice Chair Kenneth Bogner moved that **HB 592 BE CONCURRED IN.**

Discussion:

17:57:55 Sen. Forrest Mandeville

17:58:26 Vice Chair Mary Ann Dunwell

17:57:39 **Vote:** Motion carried unanimously by voice vote.

17:57:39 **Carrier Assigned:** Sen. Forrest Mandeville

EXECUTIVE ACTION ON HB 653 - Allowing reimbursement to county officers and employees for out of state travel

17:59:15 **Motion:** Vice Chair Kenneth Bogner moved that **HB 653 BE CONCURRED IN.**

Discussion:

17:59:28 Sen. Forrest Mandeville

18:03:58 **Motion:** Vice Chair Kenneth Bogner moved that **HB 653 BE AMENDED.**

18:04:07 **Substitute Motion:** Sen. Forrest Mandeville moved that **HB 653 TO TABLE.**

18:04:07 **Vote:** Substitute Motion carried 6 - 3 by voice vote with Sen. Boldman, Sen. Dunwell, Sen. Pope, voting no.

EXECUTIVE ACTION ON HB 685 - Revise methods for valuing commercial condominiums

18:00:36 **Motion:** Vice Chair Kenneth Bogner moved that **HB 685 BE CONCURRED IN.**

18:00:36 **Vote:** Motion carried unanimously by voice vote.

18:00:36 **Carrier Assigned:** Sen. Jeremy Trebas

EXECUTIVE ACTION ON HB 731 - Generally revise landlord tenant law

18:01:20 **Motion:** Vice Chair Kenneth Bogner moved that **HB 731 BE CONCURRED IN.**

Discussion:

18:01:56 Sen. Ellie Boldman

18:06:37 Vice Chair Kenneth Bogner

18:07:57 Sen. Christopher Pope

18:01:20 **Vote:** Motion carried 5 - 4 by roll call vote with Sen. Bogner, Sen. Boldman, Sen. Dunwell, Sen. Pope, voting no.

18:01:20 **Carrier Assigned:** Sen. Chris Friedel

EXECUTIVE ACTION ON HB 748 - Allow zoning for separation of incompatible uses of property

18:11:02 **Motion:** Vice Chair Kenneth Bogner moved that **HB 748 BE CONCURRED IN.**

18:11:02 **Vote:** Motion carried unanimously by voice vote.

18:11:02 **Carrier Assigned:** Sen. Forrest Mandeville

EXECUTIVE ACTION ON HB 780 - Provide for a law enforcement officer bill of rights

18:11:46 **Motion:** Vice Chair Kenneth Bogner moved that **HB 780 BE CONCURRED IN.**

18:12:03 **Motion:** Sen. Jeremy Trebas moved that **HB 780 BE AMENDED.**

Discussion:

18:12:39 Sen. Jeremy Trebas

18:12:03 **Vote:** Motion carried unanimously by roll call vote.

18:13:51 **Motion:** Vice Chair Kenneth Bogner moved that **HB 780 BE CONCURRED IN AS AMENDED.**

18:14:03 **Motion:** Vice Chair Kenneth Bogner moved that **HB 780 BE AMENDED.**

Discussion:

18:14:23 Toni Henneman

18:14:47 Sen. Christopher Pope

18:15:45 Sen. Jeremy Trebas

18:15:53 Sen. Ellie Boldman

18:16:43 Sen. Jeremy Trebas

18:17:09 Sen. Ellie Boldman

18:17:28 Toni Henneman

18:17:51 Vice Chair Mary Ann Dunwell

18:18:32 Vice Chair Mary Ann Dunwell

18:18:33 Toni Henneman

18:14:03 **Vote:** Motion carried unanimously by roll call vote.

18:27:35 **Motion:** Vice Chair Kenneth Bogner moved that **HB 780 BE CONCURRED IN AS AMENDED.**

18:27:35 **Vote:** Motion carried unanimously by voice vote.

18:32:22 **Motion:** Sen. Ellie Boldman moved that **HB 780 TO TABLE.**

18:32:22 **Vote:** Motion carried 7 - 2 by roll call vote with Sen. Trebas, Sen. Vermeire, voting no.

ADJOURNMENT

Adjournment: 18:36:58

Lorna Mason, Secretary

Additional Documents: [EXHIBIT\(230412LOSaad\)](#)