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LOCAL GOVERNMENT INTERIM COMMITTEE 67th Montana Legislature

SENATE MEMBERS

Kenneth Bogner
Ellie Boldman
John Esp
Mark Sweeney

HOUSE MEMBERS

Larry Brewster
Geraldine Custer
Mary Ann Dunwell
Dave Fern
Steve Gist
Kathy Kelker

COMMITTEE STAFF

Toni Henneman - Research Analyst
Julie Johnson - Attorney
Bri Nordhagen - Secretary

MINUTES LOG

July 13, 2021

137

Helena, Montana

Please note: This document is a Minutes Log and provides annotation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video recording of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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MEMBERS PRESENT:

Sen. John Esp, Acting Chair (R)
Sen. Kenneth Bogner, (R)
Sen. Ellie Boldman, (D)
Sen. Mark Sweeney, (D)
Rep. Larry Brewster, (R)
Rep. Geraldine Custer, (R)
Rep. Mary Ann Dunwell, (D)
Rep. Dave Fern, (D)
Rep. Steve Gist, (R)
Rep. Kathy Kelker, (D)

MEMBERS EXCUSED:

MONTANA LEGISLATIVE SERVICES DIVISION STAFF: SUSAN BYORTH FOX, EXECUTIVE DIRECTOR • SONJA NOWAKOWSKI, DIRECTOR, OFFICE OF RESEARCH AND POLICY ANALYSIS • TODD EVERTS, DIRECTOR, LEGAL SERVICES OFFICE • DALE GOW, CIO, OFFICE OF LEGISLATIVE INFORMATION SERVICES • JOE KOLMAN, DIRECTOR, LEGISLATIVE ENVIRONMENTAL POLICY OFFICE • ANGIE CARTER, FINANCIAL SERVICES MANAGER

STAFF PRESENT:

Toni Henneman, Research Analyst
Julie Johnson, Attorney
Bri Nordhagen, Secretary

AGENDA (Attachment 1)

VISITOR'S LIST (Attachment 2)

COMMITTEE ACTION

- Adopted committee rules, procedures, and guidelines.
- Elected Rep. Geraldine Custer Chair and Sen. Mark Sweeney Vice Chair.
- Adopted draft work plan and decision matrix.

CALL TO ORDER/ROLL CALL

09:33:38 Sen. Esp called the Local Government Interim Committee to order at 9:33 a.m.; the committee secretary took the roll.

Administrative matters

09:46:36 Toni Henneman, Research Analyst, Legislative Services Division (LSD), began her overview of the staff roles and responsibilities.

09:46:36 Julie Johnson, Attorney LSD, gave an overview of her duties.

09:51:23 Ms. Henneman continued her review of administrative matters with the committee budget and website overview the "ORPA Summary of Local Government Legislation" handout. **(Exhibit 1)**

Questions from the committee

10:00:34 Rep. Dunwell asked Ms. Henneman if she could track the implications or conduct an evaluation of the results of the bill.

Administrative matters (continued)

10:02:11 Ms. Henneman began an overview of the "Rules, Procedures, and Guidelines for interim committees" handout. **(Exhibit 2)**

Motion

10:02:52 Rep. Fern made a motion the Local Government Interim Committee adopt the rules and to accept proxies.

Vote

10:03:17 The motion to accept the rules and proxies passed unanimously on a voice vote.

Committee discussion

10:03:41 Rep. Kelker nominated Rep. Custer be Chair of the Local Government Interim Committee.

Vote

10:04:25 The motion to elect Rep. Custer as Chair of the Local Government Interim Committee passed unanimously on a voice vote.

Committee discussion

10:04:57 Rep. Kelker asked if in order for leadership to be bi partisan the Vice Chair would have to be a Senator and Democrat.
10:06:25 Rep. Dunwell nominated Sen. Boldman as Vice Chair of the Local Government Interim Committee.
10:07:46 Sen. Bogner nominated Sen. Sweeney as Vice Chair of the Local Government Interim Committee.
10:08:13 Sen. Boldman asked Sen. Sweeney if he wanted to be Vice Chair and deferred her nomination to him as he accepted.
10:08:38 Rep. Dunwell withdrew her nomination.

Vote

10:08:48 The motion to accept Sen. Sweeney as Vice Chair of the Local Government Interim Committee passed unanimously on a voice vote.

BREAK (Reconvened at 10:24:07)

10:10:12

Introduction of the Work Plan

10:24:10 Ms. Henneman began her review of the "Draft Work Plan for the 2021-2022 Interim", and the "Draft 2021-2022 Work Plan Decision Matrix" handouts.
(Exhibit 3) (Exhibit 4)

Questions from the committee

10:32:16 Rep. Dunwell asked Ms. Henneman what criteria the committee would use to either determine yes or no for the language of a ballot initiative.
10:32:51 Rep. Kelker asked Ms. Henneman what entity decides whether something goes to Local Government and how does that happen.

Introduction of the Work Plan

10:34:09 Ms. Henneman continued her review on page 7 of the work plan.
10:39:57 The committee members discussed their individual bills/topics***

Public comment on work plan study assignments

10:55:59 Sam Sill, Montana Association of Realtors
11:00:38 Peggy Trank, Montana Housing Coalition
11:02:18 Abigail St. Lawrence, Montana Building Industry Association

Montana League of Cities and Towns & Montana Association of Counties representative remarks

11:05:35 Tim Burton, Executive Director, began his discussion with members regarding committee role, function, and study topics.
11:14:40 Kelly Lynch, Deputy Director and General Counsel for Montana League of Cities and Towns gave an overview of her division.

Questions from the committee

- 11:20:07 Sen. Esp asked Ms. Lynch if she could give an overview of the 2021 bills that affected local control. (see Exhibit 1)
- 11:28:27 Rep. Fern asked Ms. Lynch if she could review the state constitution and home rule issue.
- 11:33:14 Rep. Kelker asked Ms. Lynch if there was a difference between public and private places regarding gun regulations.
- 11:35:10 Rep. Dunwell asked Ms. Lynch if the bills passed affecting local government affected local governments with self-governing or general governing powers.
- 11:37:07 Rep. Brewster asked Ms. Lynch if the committee should regulate self-governing powers.

Public comment

11:42:43 None

LUNCH (Reconvened at 13:02:10)

11:42:47

Introduction of the Work Plan (continued)

13:02:20 Ms. Henneman continued discussion with the three work plan agenda items.

Questions from the committee

- 13:05:47 Rep. Kelker asked if Rep. Jones's Fiscal committee was going to look at the effect of the federal COVID funds in terms of infrastructure projects.
- 13:08:17 Rep. Brewster stated it would be helpful to get the links to those meetings for the committee.
- 13:10:28 Rep. Dunwell suggested a joint meeting between the committees.

HJ 30: Study of County Water and/or Sewer Districts

- 13:11:11 Rep. Brewster began his overview of the "HJ 30 – A joint resolution of the Senate and House of Representatives of the state of Montana requesting an interim study to review and assess the current governance structure of county water and/or sewer districts" handout. ([Exhibit 5](#))
- 13:16:43 Steve Wade, Montana Rural Water Systems, gave comment as an interested individual/organization.
- 13:18:14 Julie Spencer, Montana Rural Water Systems Board, gave comment***
- 13:22:10 Ms. Henneman continued with the work plan matrix – proposed study plan.

Questions from the committee

- 13:23:49 Rep. Gist asked Ms. Henneman if there was overlap between agencies, and if there was a way to see what overlaps caused issues in where they were trying to comply.

SJ 13 – Study of prevailing wage laws

- 13:24:59 Ms. Henneman began her overview of the "SJ 13 – A joint resolution of the Senate and House of Representatives of the state of Montana requesting an interim study on public contracts and prevailing wage law" handout. ([Exhibit 6](#))
- 13:27:19 Steve Wade, Montana Contractors Association, gave comment as an interested individual/organization.

13:28:13 Tim Burton, Montana League of Cities and Towns, gave comment***

Questions from the committee

13:30:14 Rep. Dunwell asked Mr. Burton if being made to pay prevailing wage would put his organization in dire straits.

Introduction of the Work Plan (continued)

13:32:59 Ms. Henneman continued with the work plan matrix – proposed study plan.

SJ 23 – Study allowing public notice via certain electronic publications

13:34:04 Ms. Henneman began her overview of the “SJ 23 – A joint... requesting an interim study on public notice provided electronically” handout. [\(Exhibit 7\)](#)

13:36:09 Rhonda Wiggers, Montana Broadcasters Association, gave comment as an interested individual/organization.

13:39:13 Kelly Lynch, Montana City of Leagues and Towns, gave comment***

13:40:10 Ms. Henneman continued with the work plan matrix – proposed study plan.

Public comment

13:41:56 None

Committee Work Session

13:42:22 Ms. Henneman and committee discussed the work plan decision matrix.

Motion

14:23:05 Sen. Esp made a motion to adopt the assigned studies with .30 FTE for HJ 30, .15 for SJ 13, .20 for SJ 23, .04 for the Homeowners’ Association topic, .005 for the land use planning agenda item, .005 to receive updates on the MARA study, .003 to receive updates on HJ 6.

Vote

14:23:21 The motion to adopt the previously mentioned assigned studies with the correlating FTE passed on a voice vote with Sen. Sweeney voting no.

Motion

14:26:15 Sen. Boldman made a motion to put .1 FTE to the topic of homelessness/affordable housing.

Discussion from the committee

14:26:32 The committee discussed the motion.

Vote

14:31:58 The motion to assign .1 FTE to the topic of homelessness/affordable housing passed with one voting no. (get who this was)

Discussion from the committee

14:32:40 The committee discussed the work plan***

Motion

14:35:08 Rep. Dunwell made a motion to assign .05 for the public health bills.

Discussion from the committee

14:35:27 The committee discussed the motion.

Vote

14:36:09 The motion to assign .05 for the public health passed on a voice vote with Sen. Esp and Rep. Brewster voting no.

Motion

14:37:09 Rep. Gist made a motion to reserve the remaining .147 FTE for the topics still on the work plan or to emerging issues.

Vote

14:37:22 The motion made by Rep. Gist passed unanimously on a voice vote.

Committee Work Session

14:38:01 Ms. Henneman continued the work session with discussion on future meeting dates and additional instructions to staff.

Public comment* on any item in LGIC's subject matter jurisdiction

14:51:11 None

ADJOURNMENT

14:51:55 Madam Chair Custer adjourned the Local Government Interim Committee at 2:51 p.m.