



LOCAL GOVERNMENT INTERIM COMMITTEE:

DRAFT 2023-2024 WORKPLAN

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INTRODUCTION AND PURPOSE

The work plan provides guidance for the next 15 months and serves as a blueprint for the interim. The main purpose of the work plan is to outline the studies and topics the LGIC may investigate and possible approaches the committee may take to meet its goals.

The work plan is intended to be a fluid document, subject to modification during the interim as questions arise and committee decisions are made.

The work plan includes:

- LGIC background and duties
- Description of draft study topics and plans to address those topics
- A draft committee meeting schedule

COMMITTEE PROCEDURES AND PUBLIC PARTICIPATION

The LGIC operates under the Rules, Procedures, and Guidelines for Interim Committees adopted by the Legislative Council. As required by law, 10-day advance public notice will be given for all meetings and the public will be given an opportunity to comment on any matter that is within the jurisdiction of the committee. The Presiding Officer may establish time limits for public comment, if necessary. Interested persons may be added to the mailing list and sign up for electronic meeting notifications on the LGIC website.

Agendas, memos, links and other information can be found on the LGIC website:

www.leg.mt.gov/committees/interim/lgic.

COMMITTEE MEMBERS AND STAFF

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LGIC BACKGROUND

HISTORY

From 2001 to 2017, the Education and Local Government Interim Committee covered local topics until [Senate Bill 151](#) established the independent LGIC in 2017.

Prior to 2001, local government issues were usually addressed in other interim committees. However, the 1999 Legislature enacted [Senate Bill 184](#) establishing and providing funding for a Local Government Funding and Structure Committee (LGFSC) to study the best methods of allocating resources between the state and local governments.

The LGFSC produced a bill draft for the 2001 session later known as “The Big Bill”. [House Bill 124](#) created an entitlement share program whose aim was to:

- simplify billing, collection, accounting, distribution, and reporting of all revenue;
- de-earmark revenue and eliminate expenditure mandates for local governments; and
- create a rational, dependable, stable funding structure for cities and counties.

The LGFSC also recommended the creation of a State and Local Government Relationship Committee comprised of legislators, representatives from local governments, K-12 education system, the Department of Commerce, and the Department of Revenue. Ultimately, this specific committee was not created, but [Senate Bill 10](#) passed in 2001 creating an Education and Local Government Committee whose duties and goals were similar to the earlier LGFSC but with a legislator-only membership similar to other interim committees.

The Education and Local Government Committee attempted to tackle both policy areas until 2017. However, education and local government topics are often complicated and complex, ultimately warranting the creation of two independent committees.

STATUTORY AUTHORITY AND DUTIES

The LGIC draws its statutory authority from one source: 5-5-232, MCA.

5-5-232. Local government committee. There is a local government committee. The committee is treated as an interim committee for the purposes of 5-5-211 through 5-5-214. The local government committee shall:

- (1) act as a liaison with local governments;
- (2) promote and strengthen local government through recognition of the principle that strong communities with effective, democratic governmental institutions are one of the best assurances of a strong Montana;
- (3) bring together representatives of state and local government for consideration of common problems;
- (4) provide a forum for discussing state oversight of local functions, realistic local autonomy, and intergovernmental cooperation;
- (5) identify and promote the most desirable allocation of state and local government functions, responsibilities, and revenue;

- (6) promote concise, consistent, and uniform regulation for local government;
- (7) coordinate and simplify laws, rules, and administrative practices in order to achieve more orderly and less competitive fiscal and administrative relationships between and among state and local governments;
- (8) review state mandates to local governments that are subject to 1-2-112 and 1-2-114 through 1-2-116;**
- (9) make recommendations to the legislature, executive branch agencies, and local governing bodies concerning:
 - (a) changes in statutes, rules, ordinances, and resolutions that will provide concise, consistent, and uniform guidance and regulations for local government;
 - (b) changes in tax laws that will achieve more orderly and less competitive fiscal relationships between levels of government;
 - (c) methods of coordinating and simplifying competitive practices to achieve more orderly administrative relationships among levels of government; and
 - (d) training programs and technical assistance for local government officers and employees that will promote effectiveness and efficiency in local government;
- (10) conduct interim studies as assigned pursuant to 5-5-217; and
- (11) report its activities, findings, recommendations, and any proposed legislation as provided in 5-11-210.

REVIEW OF LOCAL UNFUNDED MANDATE LAWS

Pursuant to [5-5-232\(8\), MCA](#), the LGIC is instructed to review legislation that "requires a local government unit to perform an activity or provide a service or facility that requires the direct expenditure of additional funds and that is not expected of local governments in the scope of their usual operations".¹ While [1-2-114, MCA](#) prohibits the introduction of a bill requiring a local government to provide or perform a new service or facility without compensation by the state or federal government, a section may be added that expressly supersedes the "unfunded mandate" laws contained in [1-2-112](#) through [1-2-116, MCA](#).

The 68th Legislature enacted the following pieces of legislation that allow for the creation of new local funding mandates by expressly superseding the unfunded mandate statutes:

Bill Number	Bill Sponsor	Short Title
House Bill 890	Rep. Barker	Require certain gov't boards to provide audio/video recordings of public meetings
Senate Bill 7	Sen. McGillvray	Revising laws related to state prisons and county detention center telecommunications
Senate Bill 294	Sen. Usher	Establish the end of watch trust
Senate Bill 391	Sen. Usher	Providing partial salary or light duty for injured county detention officers

¹ [1-2-112](#) (1), MCA

REQUIRED REPORTS

Report	Statutory Reference	Description
Experimental On-site Wastewater Systems Review	<u>76-4-104, MCA</u>	<p>The Department of Environmental Quality conducts biennial reviews of experimental on-site wastewater systems that receive a waiver or deviation for installation to determine if a system may be adopted into rule as an accepted system. Each interim, the department shall report to the LGIC the number and type of systems reviewed and those approved and provide reasoning why a system was reviewed but not approved.</p> <p><i>(Enacted through <u>SB 54</u> – a 2019-2020 LGIC committee bill)</i></p>
Sand and Gravel Deposit Program	<u>82-2-701, MCA</u>	<p>The Sand and Gravel Deposit Program at the Bureau of Mines and Geology investigates sand and gravel deposits in areas of conflict between development and sand and gravel operations. In prioritizing areas for investigation, the Bureau must consider the largest counties, based on census data, and the counties with the most opencut mining permits and subdivision applications. Within 1 year of starting an investigation, the Bureau is required to report the results to the county in which the investigation occurred, the Environmental Quality Council, and the LGIC.</p>
Assistance to Local Governments on Federal Land Management Proposals	<u>90-1-182, MCA</u>	<p>Local governments may request that the Department of Commerce conduct socioeconomic impact reviews and analysis of significant federal land management proposals that impact local governments. The department then advocates on the behalf of local governments before the agency issuing a federal land management proposal. The department shall report to the Local Government Interim Committee regarding the number of requests, the types of requests, and the number of responses handled annually.</p>
Emergency Financial Assistance to Local Governments	<u>90-6-703, MCA</u>	<p>The Department of Commerce may provide emergency grants to local governments for infrastructure projects necessary to remedy conditions that may endanger public health or safety and expose the applicant to significant financial risk. The department shall report biennially to the Governor, the Legislative Fiscal Analyst, and the LGIC regarding emergency infrastructure grants.</p>

PROPOSED STATEWIDE INITIATIVE REVIEW

The Local Government Interim Committee is required to review proposed statewide initiatives that relate to its subject area. The Legislature enacted [Senate Bill 93](#) (SB 93) in 2023 to clarify and revise the review process enacted in [House Bill 651](#) (HB 651) in 2021. The revised law provides that a statewide initiative includes a constitutional initiative, a constitutional convention initiative, or a statutory initiative.

Section 13 of SB 93 requires the interim committee to hold a public hearing on a statewide initiative referred to the committee by the executive director of the Legislative Services Division. The committee then votes to either support or not support the placement of the proposed statewide initiative on the ballot. The petition used to gather signatures to place the statewide initiative on the ballot must include the interim committee vote. SB 93 applies to statewide initiatives submitted to the secretary of state after May 19, 2023.

The review process may result in additional committee meetings because the committee vote must be submitted to the secretary of state no later than 14 days after receipt of the final text of the statewide initiative. A complaint was filed May 26, 2023, in Lewis and Clark County District Court challenging SB 93, which may also alter the committee's work depending on the findings of the Court.

HOW THE LGIC PLANS ITS WORK

During the legislative interim, the LGIC usually focuses on assigned study topics. However, no study resolutions were assigned to the LGIC after the 2023 session. The LGIC is one of the few interim committees without agency oversight or rule review requirements, so the committee has broad authority to address issues it considers in the best interest of the state and local governments.

Without assigned study topics, the LGIC finds itself with an open slate for the 2023-24 interim.

In May and June, staff visited with LGIC members about potential topics for discussion which are included as member topics.

The LGIC must adopt a work plan by the second meeting of the interim to solidify its preferred study topics for both committee staff and the public who may be interested. The primary constraint

limiting the agenda for the interim is the number of issues to effectively address within the available time and resources of the committee members and its staff.

The LGIC Work Plan Decision Matrix, a separate document, offers additional aid to review time allocations for each topic.

POTENTIAL WORK PLAN TOPICS

STUDY RESOLUTIONS ASSIGNED BY LEGISLATIVE COUNCIL

NONE

MEMBER REQUESTED TOPICS

2023 Housing/Land Use Bill Monitoring

Requested by: Sen. Trebas, Sen. Dunwell, and Rep. Brewster

Background: The 68th Legislature enacted a suite of bills looking to tackle the affordable housing crisis in Montana. One major piece of legislation was [Senate Bill 382](#) (SB382), establishing a process for larger cities to prioritize proactive planning, review subdivision applications, enact zoning regulations, and promote various housing strategies. The legislation effectively creates a new Chapter in Title 76, MCA with the hopes of clearly delineating the process that larger cities must follow, and that smaller cities, towns, and counties may opt into. Since SB 382 creates many new mandates and processes, a companion study resolution was introduced, [Senate Joint Resolution 21](#) (SJ21), but did not make it through the legislative process before sine die. The committee may choose to model the study after the language of SJ 21, included as a companion resource.

A few committee members also recommended including additional housing bills in the review. Other bills specifically mentioned by committee members:

[Senate Bill 245](#): Review municipal zoning to allow multifamily and mixed-use development

[Senate Bill 323](#): Allow for duplex housing in city zoning

[Senate Bill 528](#): Revise zoning laws related to accessory dwelling units (ADUs)

Option A	Option B	Option C	Option D
.35+ FTE	.25 FTE	.15 FTE	No Action
<ul style="list-style-type: none"> Option B Review and analyze all land use/housing bills including housing incentives such as HB819 Deeper dive into underlying issues causing housing crisis Compare/contrast various cities, towns, and counties with different levels of housing affordability to determine successful processes <i>Possible field trip(s): visit locations with success stories or areas with specific housing challenges</i> 	<ul style="list-style-type: none"> Option C Review current zoning and subdivision processes and compare to SB 382 and other bills Develop monitoring tool to adequately capture results of implementing SB382 Analyze reasons for potential and actual challenges to implementation and research solutions Multiple panel discussions 	<ul style="list-style-type: none"> Basic training on land use terms and processes Review the requirements of SB 382 Request feedback from cities meeting the requirement thresholds of SB382 Review the basic requirements of other housing bills, on committee's request Stakeholder panel 	

Local Impacts of Housing State Inmates

Requested by: Rep. Oblander

Background: Many localities feel the crunch of jail capacity and costs related to housing arrested and convicted persons. After a person is arrested, the person is often booked into a county jail to await trial, even for state felony offenses. The arresting city or county is responsible for "pre-conviction" housing and often also houses felony offenders after conviction if a state prison bed is not available. The state reimburses local jurisdictions for these costs, but concerns exist whether the reimbursements are adequate. The 68th Legislature passed [House Bill 174](#) requiring the Department of Corrections to reimburse actual costs for housing offenders. While this legislation may provide additional aid, local impacts may still be felt, especially in areas with high or rising crime rates. The committee may want to investigate the cost of public safety in local areas, research the methods local governments use to fund public safety programs, and analyze impacts to the local tax base.

(Staff Note: this study is outside the normal policy area of LGIC staff and may require additional work from researchers currently staffing other committees. The FTE options below attempt to reflect a higher FTE estimate due to a potential additional staff member.)

Option A	Option B	Option C	Option D
.40 FTE	.30 FTE	.20 FTE	No Action
<ul style="list-style-type: none"> • Option B • Compare local government public safety costs and funding methods • Analyze impact of housing state inmates on local tax base • Compare current capacity of county detention centers • <i>Possible field trip(s): tour a detention center and learn more about how inmates are housed, visit locations running various pilot programs to reduce costs/recidivism/pre-conviction time in detention</i> 	<ul style="list-style-type: none"> • Option C • Examine areas of higher crime and arrests • Receive data related to costs of housing pre- and post- convicted persons • Compile information from various cities and counties (urban vs. rural) to determine scope of challenges • Receive updates and/or data from the Department of Corrections 	<ul style="list-style-type: none"> • Review the history of detention center reimbursement costs, including an analysis of HB174 • Summary of current arrest to conviction process and jurisdiction including statutes governing detention centers and payments • Stakeholder panel 	

Local Fire Protection Consolidation Strategies

Requested by: Rep. Gist

Background: During the 2017-2018 interim, the LGIC studied local fire protection and introduced the first version of what has become known as the "Fire Authority Bill". [Senate Bill 17](#) created a framework to allow multiple fire protection jurisdictions to adopt a process to consolidate, ultimately creating a large service entity with pooled resources, employees, and fire protection equipment. The idea did not gain sufficient traction during the 2019, 2021, and 2023 sessions even though slightly different versions of the original bill draft were tried.

The committee may want to review current local fire protection and determine if a new framework is necessary, and, if so, how that framework may differ from the past unsuccessful "fire authority" concept.

Option A	Option B	Option C	Option D
.20 FTE	.15 FTE	.10 FTE	No Action
<ul style="list-style-type: none"> • Option B • Identify other states with similar issues and compare • Broaden scope to include additional or new challenges in fire protection • Identify alternative frameworks for fire protection 	<ul style="list-style-type: none"> • Option C • Summary of current firefighting jurisdictions and strategies, i.e. difference between wildland fire (DNRC) and local fire protection • Analyze issues with past legislation • Determine specific problem areas and continue working within similar framework 	<ul style="list-style-type: none"> • Review past legislation • Review 2017-1018 interim study 	

Long-term Care System

Requested by: Sen. Dunwell

Background: [Senate Joint Resolution 23](#) was introduced during the 2023 session and tabled by the Senate Public Health, Welfare, and Safety Committee. The LGIC may choose to resurrect SJ23 which asked for a review of long-term care workforce issues, including current demand and need for workers, efficient care delivery, availability of home and community-based services, and access to services for high-need, high-risk populations. The Child, Families, Health, and Human Services Interim Committee usually studies this topic, but the LGIC may attempt to connect the study to the local government impacts. The committee may choose to model their own study after the language of SJ 23, included as a companion resource.

(Staff Note: this study is outside the normal policy area of LGIC staff and may require additional work from researchers currently staffing other committees. The FTE options below attempt to reflect a higher FTE estimate due to a potential additional staff member.)

Long-term Care System - cont.

Option A	Option B	Option C	Option D
.40 FTE	.30 FTE	.20 FTE	No Action
<ul style="list-style-type: none"> • Option B • Compare challenges and policy solutions of other states • Identify areas in the state with a high potential of losing long-term care services • Analyze the use of staffing agencies and contract care 	<ul style="list-style-type: none"> • Option C • Analysis of long-term care costs and factors leading to possible rising costs • Summary of options for patients when nursing homes close – panel discussion • Research reasons for staffing shortages 	<ul style="list-style-type: none"> • Summary of current long-term care services and industry challenges • Update from Department of Public Health and Human Services regarding current processes • Summary of basic impacts of a lack of long-term care options on local governments 	

Rental Affordability

Requested by: Sen. Dunwell

Background: The 68th Legislature enacted many pieces of legislation that address land use and planning, policies that are often longer-term solutions and may not offer relief to citizens currently struggling to find and maintain affordable rental situations. A focused study on the causes and impacts of increased rental costs may offer a solution to ensure more citizens are housed.

Option A	Option B	Option C	Option D
.20 FTE	.15 FTE	.10 FTE	No Action
<ul style="list-style-type: none"> • Option B • Compare policies in other states • Research economic impacts of high rental costs on local areas 	<ul style="list-style-type: none"> • Option C • Analyze potential causes leading to increased rental costs • Summary of current rental assistance programs, including programs to incentivize more rental units 	<ul style="list-style-type: none"> • Compile current rental cost data over the last 5 years • Summary of recent rental-related legislation 	

Property Tax - Local Government Focus

Requested by: Sen. Trebas and Sen. Dunwell

Background: Property tax and its impacts tend to be a perennial legislative topic. While property tax is generally a topic better left to the Revenue Interim Committee (RIC)², the LGIC may have interest in looking at the property tax limitation imposed on local governments in [15-10-402, MCA](#) and expanded by [15-10-420, MCA](#). The "cap" influences local budgets and plays an important role in determining how many mills a local entity may levy. Since its inception in 2001, the local cap has been extensively discussed, analyzed, and amended. [Senate Bill 511](#) was introduced in 2023 and eventually tabled in the Senate Taxation Committee after a robust hearing. The LGIC may want to review [15-10-420, MCA](#), analyze its impacts, and determine if any legislative changes are warranted. Sen. Dunwell also requested the committee investigate methods to mitigate increased property taxes generally.

Option B	Option C	Option D
.20 FTE	.10 FTE	No Action
<ul style="list-style-type: none"> • Option C • Receive local government budgeting workshop to review how 15-10-420, MCA is currently implemented • Examine the concept of SB511 and determine if similar changes to 15-10-420, MCA may be warranted • Analyze how inflation and newly taxable property impact the local cap 	<ul style="list-style-type: none"> • Review the history of 15-10-420, MCA • Summary of recent legislation proposing changes to 15-10-420, MCA • Stakeholder panel 	

REVIEW OF UNFUNDED MANDATE LAWS

Background: As mentioned on page 4 of this document, [5-5-232, MCA](#) asks the LGIC to review enacted legislation that expressly supersedes the unfunded local mandate requirements ([1-2-112](#) through [1-2-116, MCA](#)).

Option B	Option C	Option D
.05+ FTE	.01 FTE	No action
<ul style="list-style-type: none"> • Option C • Invite local government representatives to discuss impacts of specific legislation and how local governments plan to meet the requirements 	<ul style="list-style-type: none"> • Receive copies of the four bills enacted in 2023 that superseded the local government unfunded mandate requirements • Review fiscal notes 	

² During the 2021-22 interim the RIC completed [House Joint Resolution 36](#), an extensive study on residential property tax. The LGIC may be better served reviewing the RIC's work rather than consider property tax in its entirety during this interim.

ADDITIONAL AGENDA ITEMS

The LGIC may have time to review or follow other items since committee does not have agency oversight. The following topics are not considered “study topics” and require a lesser amount of committee resources.

Keep in mind that these items still require staff time and, if adopted, should be considered when developing the overall workplan.

Review of HB 33 Veto

Requested by: Rep. Gist

Background: The 2021-2022 LGIC introduced [House Bill 33](#) to the 68th Legislature which acted as a companion bill to [House Bill 32](#). Both bills intended to offer strategies to correct noncompliant or struggling boards of special districts. House Bill 32 provides additional training and was passed by the Legislature and signed by Gov. Gianforte. House Bill 33 allows for civil action to be brought against a noncompliant board and was passed by the Legislature but subsequently vetoed. The committee may want to review and analyze HB 33 and the [veto letter](#).

Option B	Option C	Option D
.05+ FTE	.01 FTE	No action
<ul style="list-style-type: none"> ○ Option C ○ Receive analysis from the governor's office and stakeholders regarding the sufficiency of the veto letter arguments. ○ Possibly research options to satisfy the governor's concerns and re-draft similar legislation 	<ul style="list-style-type: none"> ○ Review the history of HB 33 and the veto letter from Gov. Gianforte 	

MT Voter Review

Background: [Article XI, Section 9](#) of the Montana Constitution requires a local government to vote every 10 years on whether to form a study commission to investigate its current form of government and explore potential changes to the form of government. The next voter review occurs in 2024, meaning that many local governments will be starting the process this interim. The Montana State University Local Government Center acts as a liaison and resource for local governments during the voter review and offers multiple trainings. The LGIC may benefit from a similar training to become more knowledgeable of the process that may be occurring in members' localities.

Option C	Option D
.01+ FTE	No action
<ul style="list-style-type: none"> ○ Receive a training from the MSU Local Government Center and any other relevant stakeholders on the voter review process. The training covers the differences between self-governing and general government powers and the various forms of government provided in statute. ○ The committee may expand the agenda item to include a panel of local government officials and/or study commissions to learn more about the process. 	

LFC Modernization and Risk Analysis Study

Background: The 67th Legislature enacted [HB 330](#) which created a "Financial Modernization and Risk Analysis" (MARA) study of the "long-term future budget and revenue needs with changing economics and demographics." The 68th Legislature passed [HB140](#), furthering the work of MARA, codifying it as an interim committee, and adding additional membership options that may affect the LGIC:

Section 1. Modernization and risk analysis committee. (1) There is a modernization and risk analysis committee. The committee shall study the long-term future budget and revenue needs of the state with changing economics and demographics.

(2) The modernization and risk analysis committee is a bipartisan committee consisting of the following:

(a) six members of the legislative finance committee, with three members appointed by the presiding officer and three members appointed by the vice presiding officer of the legislative finance committee;

(b) four members who are not officials or employees in the executive or legislative branches with two appointed by the presiding officer and two appointed by the vice presiding officer of the modernization and risk analysis committee; and

(c) an interim committee chairperson and vice chairperson of opposite parties as temporary voting members of the committee. The presiding officer of the modernization and risk analysis committee shall invite the two members based on the relevance at least one of the topics of the upcoming meeting to the subject matter under the jurisdiction of a specific interim committee. If the chairperson or vice chairperson of the interim committee is unable to attend, the chairperson or vice chairperson may designate a member of the interim committee. The interim committee chairperson and vice chairperson must be invited at least 30 days prior to the meeting date.

At its June 16th meeting, the MARA committee moved to study topics with local government connection including housing affordability, property tax, and entitlement share. Additionally, MARA has worked over the last interim to develop a local government financial data tool that may be of interest to the LGIC. The committee may want to reserve capacity to receive updates on topics with local government connection.

Option C	Option D
<p>.01 FTE</p> <ul style="list-style-type: none"> Receive updates from MARA staff on topics that relate to local government revenue, expenditures, and infrastructure. If the LGIC presiding officers are invited to attend a MARA committee, receive updates from the presiding officers. 	No action

City and County Planning Training

Background: Rep. Gist requested the committee receive a city/county planning training where local planners may provide background of current processes and discuss impacts of enacted and potential legislation.

Option C	Option D
<p>.01 FTE</p> <ul style="list-style-type: none"> Receive city/county planning training to review basic processes and legislative considerations 	No action

2023-2024 LGIC MEETING SCHEDULE - DRAFT

The draft meeting schedule provides a framework for the LGIC to complete its work on time. The committee may decide to hold one or two-day meetings depending on its budget.

Per Interim Rules adopted by Legislative Council, all meetings will be hybrid, allowing for both in-person and remote participation.

July 12, 2023	LGIC Meeting. Helena
September 7, 2023	LGIC Meeting. Helena
November 16, 2023 9, 2023	LGIC Meeting. Helena
January 24, 2024	LGIC Meeting. Helena
March 20, 2024	LGIC Meeting. Helena
May 22, 2024	LGIC Meeting. Helena
July 17, 2024	LGIC Meeting. Helena
September 10, 2024	LGIC Meeting. Helena

All dates are tentative and subject to change by the committee