

## **SPECIAL MEETING OF THE BILLINGS CITY COUNCIL**

### **March 7, 2011**

The Billings City Council met in special session in the Council Chambers located on the second floor of the Police Facility, 220 North 27<sup>th</sup> Street, Billings, Montana. Mayor Thomas W. Hanel called the meeting to order at 5:30 p.m. and served as the meeting's presiding officer.

**ROLL CALL:** Councilmembers present on roll call were: Ronquillo, Gaghen, Pitman, Cimmino, McFadden, Ruegamer, McCall, Ulledalen, Astle and Clark

City Administrator Volek noted there was an e-mail, dated 3/6/11, sent to Mayor & Council from Michael Hansen with regard to medical marijuana that was on the Council desks that evening and filed in the ex parte notebook for public inspection.

### **SPECIAL AGENDA:**

#### **1. Legislative Review with Lobbyist Ed Bartlett**

Mr. Bartlett began his presentation.

- SB149: Sponsored by Jeff Essman of Billings, who was asking the City of Billings to support the bill. The one-page bill created a new misdemeanor offense in the State of Montana called *predatory loitering by a previously-convicted sexual offender*. He said the bill was for any person who was previously convicted of a sexual offense or sexual abuse of children and who committed an offense of predatory loitering primarily in the vicinity of any school, park, playground, church, bicycle or multi-use path, or other places frequented by minors similar to the age of the victim in the previous conviction. It included a penalty provision making it a misdemeanor of \$500 or imprisonment of not more than six months, as well as a couple of definitions. Mr. Bartlett said he knew Council had not seen the bill, but was recommending that Council support it for the purpose of the bill because City Attorney Brooks was working with several other City Attorneys with a concern that the definition of predatory loitering needed to be tightened up and defined in a better way than it was currently defined in the bill. He said the hearing was scheduled for Wednesday.

Mayor Hanel: Asked if there was identification of the level of sex offender in the bill for the previous crime.

Mr. Bartlett: Just that the previous crime was a predatory sexual offense or sexual abuse of children.

Gaghen: Said she would like the age of the victim broadened.

McFadden: Said stalking was already a law and asked if the bill tied in with it.

Mr. Bartlett: Said he would like the opinion of Attorney Brooks, but said the reading of the bill was that it was a stand-alone, new criminal offense. He said he did not know the background or what prompted the bill.

Atty Brooks: Said stalking would be where someone was actively pursuing another person, and the current bill was more where a person stationed himself or herself in a certain predictable area frequented by children or adults.

**Astle: Moved to support the purpose of SB149, seconded by Ruegamer. On a voice vote, the motion was unanimously approved.**

- SB152: A bill to increase the penalties on sexual assault passed in executive action in the House Judiciary last week 16 to 4. Said the only reason he was mentioning it that evening was that Attorney Brooks was working hard with the supporters of the bill to address a couple concerns mentioned by others who did not support the bill.

Atty Brooks: Said he went to Helena last Thursday and testified before the House Judiciary Committee, and the concern was if there would be a fiscal impact to the State's budget. He said they were currently addressing the concern, and it was his overall comment that it would not because virtually all district judges would not sentence someone of that type to the MT State Prison and would almost always sentence them to a probationary term with a required mandatory sexual offender treatment. He said they were gathering additional information and working as fast as they could to address the fiscal note concern.

- HB555: Represented by Steve Fitzpatrick regarding non-duplication of insurance benefits. Further analysis indicated it was not a bill that City Council needed to take a position on. Recommendation was to take no position on the bill.
- HB575: Represented by Kris Hansen regarding annexation law. Further review indicated that the bill was very pointed and specific and applied to annexation laws. City of Billings would use very infrequently, so no need for City Council to take a position on the bill. Assistant City Administrator Bruce McCandless said the recommendation to take no position was because it primarily amended Part 47 of the Annexation Statutes, Annexation with Service Plans. He said Billings almost never used Part 47 when annexing property; and used Part 46 instead annexing through petition.
- TIFD Bills (4): Hearing before House Taxation Committee scheduled for March 8 had been moved to March 15. Meetings had been held with Elsie Arntzen and they hoped to continue discussions that week with her to seek resolution to amend the bills.

Gaghen: Asked if Montana League of Cities and Towns and the other Montana cities opposed the bills.

Mr. Bartlett: Said the Montana League of Cities and Towns and the City of Missoula were opposed to the bills, and they had coordinated discussions with them when

they met with Ms. Arntzen. He said he had not had discussion with the other towns and cities.

- SB234: Solid Waste bill. Said he hoped Councilmember McCall was available to give an update from a conversation she had with the sponsor of the bill late last Friday.

McCall: Said she had a good conversation with Senator Sonju, and he said he was open to look at amendments. She said they were in the process of putting amendments together and needed to establish a strategy on how to meet with Mr. Sonju. Mr. Bartlett said he was assuming it would be done through Alec Hansen. Councilmember McCall said they would have a talk the following morning and call Alec, as well.

- HB2: Said the emphasis at the legislature was on the budget. The goal of the House Appropriations Committee was to complete the discussion and pass the bill out of committee that week so by next week the general budget bill would be on the House floor. The Speaker indicated he was anticipating at least two days of hearings on HB2.

Mayor Hanel: Referenced HB230 transferring the Board of Crime Control to the Department of Corrections and asked Mr. Bartlett if he was familiar with the bill. Mr. Bartlett advised he had not looked at that bill.

McCall: Referenced SB234 and clarified that Bruce McCandless, Dave Mumford, and Attorney Brooks were looking at the amendments.

**McCall: Moved to amend the motion that failed by a tie vote last week to support HB161, the repeal of medical marijuana on a state-wide basis and that Billings continue to support any bills that heavily regulated medical marijuana, including HB43, seconded by Gaghen.**

Ruegamer: Asked if they would be voting to support repeal.

McCall: Said that was what the motion would be.

Ruegamer: Said he would not support it. He said the people voted for medical marijuana, and he could not see where politicians could overturn the vote of the people. He agreed it was a flawed bill, but nobody knew everything about it and it was time for the legislature to fix it and not repeal it.

Ms. Volek: Advised HB43 specified employers' right to test and discharge employees related to use of medical marijuana. She said the bill would allow financial employees to also be tested.

**On a roll call vote, the motion passed 8 to 3. Ronquillo, Gaghen, Pitman, McCall, Ulledalen, Astle, Clark and Mayor Hanel voted in favor. Cimmino, McFadden, and Ruegamer voted in opposition.**

Clark: Asked how the hearing on HB231 had gone that day.

Mr. Bartlett: Advised HB231 was heard that day in Senate Local Government. Because of the previous action by Council, the City supported the bill. Said there were several other proponents for the bill, including legislators. The hearing lasted about 40 to 45 minutes and the opposition, with one exception, was different firefighter unions from across the state. Limited questions by the committee mostly related to if it was about choice or mandates. Said he was not sure if any executive action had been taken. He said he would advise if he heard anything more.

Ms. Volek: Said two meetings ago there had been discussion on the legislative update schedule with regard to the special meetings at 5:30 followed by the regular business meetings at 6:30 and asked for comments.

**Ulledalen: Moved to keep the legislative update for 5:30 p.m. on the work session nights and move it to 6:30 p.m. on the regular business session nights, seconded by McCall. On a voice vote, the motion was unanimously approved.**

There were no further comments or questions for Mr. Bartlett.

**PUBLIC COMMENT on Agenda Item: #1 ONLY. Speaker sign-in required.**

(Comments offered here are limited to one (1) minute. Please sign up on the clipboard located at the podium.)

The public comment period was opened. There were no speakers, and the public comment period was closed.

McCall: Said she was interested in comments on HB230 and asked if it would be discussed that evening, because she was very familiar with the bill. Mayor Hanel said he felt it would be better to gather more information first and discuss it at a later time. Mr. Bartlett advised the hearing was scheduled for March 15, and it was decided to wait for discussion at a later date.

There was no further business, and the meeting adjourned at 6:12 p.m.



CITY OF BILLINGS

BY   
Thomas W. Hanel, Mayor

ATTEST:

BY Cari Martin  
Cari Martin, City Clerk