

CITY OF MISSOULA
LOBBYING REPORT
WEEK ENDING 3/1/19

We have officially hit the halfway mark at the 2019 Legislature. The House adjourned today after a morning floor session, and the Senate adjourned for the break a couple days ago. The Senate comes back in next Thursday, while the House will return on March 11.

We have reorganized the weekly report into a Halfway Report, categorizing bills by those that are still alive and moving forward, and those that are dead. Our positions are outlined as they have been in the past.

BILLS MOVING FORWARD:

SB18: Establish workforce housing tax credits. Support. **PASSED Senate Tax Feb. 15.** Hearing held Jan. 23 in Senate Tax and MacDonald testified along with a variety of housing advocates. A one-page fact sheet and talking points on this bill were provided to MacDonald. This bill has some issues. Leading proponents didn't explain some of the tax implications well and several key senators, including chair Roger Webb and Sen. Dick Barrett of Missoula, expressed mild skepticism that it could "pencil out." MacDonald spoke with Barrett after and he wants to support the bill and is trying to work with the sponsors to get information in a format that he can use to also persuade other committee members.

SB52: Generally revise laws on sexual assault kits. Strong support. **Passed Senate Judiciary on Jan. 16, passed senate Finance and Claims Feb. 8. Referred to House Judiciary Feb. 14.** Formalizes process for submission and requirements for testing sex assault kits. MacDonald testified in support.

SB254: Revise laws regarding chief municipal judges: SUPPORT. **Bill passed Senate Judiciary on Feb. 21 with a unanimous vote.** MacDonald testified Feb. 20, along with City of Billings and League. Missoula bill to address existing law that requires cities with more than one municipal judge to rotate the "chief" judge position every year. Diane Sands is carrying. No opponents. MacDonald checked with committee members after and don't expect problems with the bill. Expecting floor vote as early as Saturday, Feb. 23.

SB315: Revise laws on public defender assignments related to local ordinances. **Passed Senate Feb. 27, transmitted to House. First reading held in Local Government.**

HB6: Renewable resource grants. Strong support. Dale reviewed. Fiscal note printed. No hearing date set. **Bill referred to House Appropriations committee on Feb. 15. No hearing scheduled.**

HB15: Revise laws related to nonmotorized vehicle and mobile home disposal. SUPPORT. **PASSED House Transmitted to Senate Feb. 13. Hearing in Senate Local Government Feb. 20.**

HB16: Establish affordable housing loan program. Support. **MacDonald testified Senate taxation. Awaiting executive action.** PASSED House Tax 13-5 as Amended MacDonald testified in SUPPORT at House Tax on 1-11. Met with housing advocates after and traded information in order to assist in tracking this bill as it moves forward. There was no opposition in the committee and very strong support from housing advocates, disability advocates, private lenders, private builders. Still in committee.

HB47: Generally revise criminal records laws. Monitor. **Bill PASSED both Houses. Enrolling and final preparation process completed. Transmitted to governor. Became law Feb. 26.** MacDonald: Monitoring for Missoula and Montana Newspapers. Bill was in response to unintended consequences of legislation last year that decriminalized certain offenses. At hearing on 1-14, AG has apparently agreed to amendments to clarify that the fingerprinting and mug shots would be ONLY for cases in which a person must be booked into jail. No executive action yet.

HB120: Revise local government authority of certain speed limits. SUPPORT. **Passed House. Transmitted to Senate Highways and Transportation committee Feb. 12.** Hearing was held 1-29 in House Transportation. MacDonald testified in favor, along with MACO and others. The bill simply allows local governments to lower speed limits on highways in “urban” areas. No executive action yet.

HB146: Establish laws regarding sanctuary cities in Montana. Oppose. **PASSED House Judiciary committee. Transmitted to Senate.** Hearing held Feb. 1 Per guidance from the mayor and the league, MacDonald stayed out of the room and monitored and provided information to Lynch with the league. MacDonald has visited with ACLU and others, who are specifically seeking law enforcement support.

HB147: Referendum to establish sanctuary city laws in Montana. Oppose. **PASSED House Judiciary committee. Scheduled for second reading Feb. 13.** Same as above.

HB192: Revise laws related to privacy in communications. SUPPORT. **Passed House. Referred to Senate Judiciary Feb. 21. Hearing scheduled for March 12, 9 a.m. room 303.** Bill has been heavily and repeatedly amended, but nothing at this point that we believe changes things for the city. Reviewed by Nugent. Hearing held Jan. 28. MacDonald did not testify, but has spoken with committee members and is monitoring. Some amendments are being proposed to clean up some language at the request of the ACLU. This is the “revenge porn” bill similar to last session which makes it a crime to post or publish nude photos of a person without that person’s permission.

HB232: Revise assessment of taxes during condemnation proceedings. OPPOSE. **PASSED House. Transmitted to Senate. Hearing scheduled in Senate Taxation Feb. 25 9 a.m. room 405.** MacDonald opposed along with the League and MACO. There were no supporters. We will continue to oppose and attempt to kill this on the Senate side.

HB236: Generally revise building code program laws. SUPPORT. **Hearing in Senate Local Government Feb. 20. Awaiting executive action.** Some concerns have arisen with members of the Senate committee. MacDonald and the league are attempting to shore up votes. Aaron Bowman testified on Feb. 20. Bill had PASSED House Third Reading 67-30 and was transmitted to Senate. Repeat of efforts two sessions ago to allow local governments with building code enforcement divisions to have two-year reserve accounts, rather than just one year.

HB325: Generally revise firearm laws. OPPOSE. **PASSED House Judiciary. Feb. 15. PASSED second reading 58-41 on Feb. 19. Passed third reading Feb. 21 and transmitted to Senate. Hearing scheduled March 15, 9 a.m. room 303.** Hearing February 1 in House Judiciary. MacDonald testified against, along with the League, MACO and gun safety advocates. The bill appears to be in direct response to the Missoula ordinance that is now being appealed to the state Supreme Court. Bill was amended to remove

Section 3, which among other things restores the current standing that having a CCW permit is NOT a defense for carrying in a restricted area. Still oppose.

HB357: Revise concealed carry laws by initiative: OPPOSE. **Passed third reading and transmitted to Senate Feb. 21. Hearing scheduled March 15 at 9 a.m. room 303.**

HB379: Establish working animal protection act. OPPOSE. **Heavily edited version passed Local Government on an 9-8 vote. Transmitted to Senate.** As noted, the bill was heavily amended and removes all of Section 1 and II dealing with local control. Now is simply a "policy statement." League took the lead on this. Bill would essentially forbid cities from adopting any ordinances affecting "work" animals, which is just about any animal. We may be smart to continue efforts to kill this bill as the policy statement is now in TITLE 81, which is the livestock and agriculture section, and could be used as a citation to push other prohibitions moving forward.

HB394: Revise property tax appraisal and tax appeal process. SUPPORT. **Passed House Tax. Transmitted to Senate Feb. 26.**

HB462: Revise administration of tax increment financing districts. Oppose. **Passed House Taxation. Transmitted to senate Feb. 27.**

HB481: Revising the clean indoor air act relating to private establishments. OPPOSE. **Passed Third Reading 52-46. Headed to the Senate.** Effort to exempt certain establishments from smoking rules in order to allow creation of private "smoking clubs" that would also serve alcohol. Need to regroup for the Senate side. This bill popped up and got scheduled very quickly, preventing opponents from being fully prepared. Hoping for better results on the Senate side.

HB483: Generally revise absolute liability laws. Oppose. **Hearing scheduled in House Judiciary on March 13 at 8 a.m. room 137.**

Bills DOA:

SB15: Allow certain state funds to be used for affordable housing infrastructure. Support. **TABLED in Committee.**

SB19: Revise laws related to local government budgeting and accounting. Oppose. **TABLED In Senate Judiciary.** This bill includes new audit requirements that could conflict with financial reporting requirements that are established by the Government Accounting Standards Board. MacDonald stayed out of the room for this very contentious hearing that included accusations of racism. The League is taking the lead. We are confident this bill has enough problems that it will die.

SB 103: Revise laws on PSC regulation of municipalities. OPPOSE. **TABLED in committee Feb. 12.** Hearing held Jan. 29 in Senate Energy and Telecommunications. MacDonald testified against, along with the League. The hearing was almost uncomfortable as the sponsor's explanation for the bill seemed to change and didn't make a lot of sense. He claimed that the intent was not to give the PSC "rate-setting" authority and that the intent was only to give them "oversight" to protect people from bad actors. However, he later said that, in fact, the PSC would have the final say – which seems to indicate that it could set rates (by simply saying 'no' to the ones it doesn't like.) MacDonald and others spoke with Missoula committee members after the hearing, as well as with the sponsor. We would be surprised if this one makes it out of committee.

SB 117: Revise highway de-icer laws. Oppose. **TABLED IN Finance and Claims Committee.** Identical to SB 106 in 2017 session. MacDonald testified in opposition along with state Department of Transportation. Supporters included the Montana Logging Association, regarding damage to vehicle components. MacDonald testimony reiterate the fiscal concerns raised by DOT, but concentrated more on the air quality issues in Missoula and the fact that the city has no viable alternatives to mag chloride. The fiscal note arrived in time for the hearing. It is less than previous years, but still substantial. The bill is likely to get out of committee, but as in past sessions, the fiscal note will likely kill it. This is Sen. Brown's last year in the legislature.

HB 125: Limit use of emergency ordinances by local governments. Oppose. **TABLED in committee.** Jessica reviewed & sent talking points to MacDonald. MacDonald has met one-on-one with most members of Senate Local Government to let them know the city opposes. Tim Burton took the lead on this. Missoula and Missoula County stayed out, as did MACO. Continuing to monitor and getting in touch with other committee members. Executive action believed to be on Jan. 21. Currently relatively sure this bill will die in committee. Still awaiting executive action.

HB 134: Revise prostitution statute to include nonpenetrative sex acts. Support. **TABLED in committee Feb. 20.** Detective Baker with Missoula spoke on the bill at Dudik's request. MacDonald attended a portion of the hearing, then met with Dudik and Baker after to exchange info and make sure they know he is available in the future. **No executive action yet. Bill is likely to pass.**

HB 138: Include exposure to prostitution in acts constituting child abuse and neglect. Support. **TABLED in committee.** Detective Baker supporting at request of Dudik. Fiscal note printed. No executive action yet.

HB 194: Revise lodging and rental car taxes including local option. Support. **DIED in House Tax.**

HB223: Deter the fraudulent use or theft of taxpayer funded resources. **OPPOSE. Bill withdrawn—DOA.** MacDonald and others visited with the sponsor to express concerns about the legislation and let her know what she's attempting to do is already addressed – and in better language – in existing law. As of the date of the hearing, the sponsor confirmed she intended to pull her bill due to the overwhelming concerns raised by local governments, law enforcement and fire lobbyists.

HB367: Require advisory committee for urban renewal districts using TIFS. **STRONG OPPOSE. Bill TABLED in Committee.** Bill by Rep. Garcia would require advisory. Adds another level. Meaningless since cities and counties already have these in place. League and MACO opposed and we had good turnout from communities and several businesses. Dale Bickel with the City came over to testify against.

HB442: Generally revise evidence laws. **STRONG OPPOSE. TABLED in committee Feb. 21.**