

CITY OF MISSOULA
LOBBYING REPORT
WEEK ENDING 3/22/19

New Bills:

SB340: Authorize statewide economic opportunity district. SUPPORT. MacDonald testified in favor at hearing on March 21. Awaiting executive action.

*SB276 has impacts on us, but the League is taking the lead on this and Kelly Lynch confirmed today that an amendment should address the concerns that the cities and towns had raised. We will continue to MONITOR.

BILLS MOVING FORWARD:

SB323: Allow the creation and assessment of a public safety district: OPPOSE. **Hearing held in Senate Local Government March 18.** MacDonald testified in opposition, along with nonprofit groups and hospital reps. Awaiting executive action. The bill is being characterized as an effort by the sponsor to get back at some specific nonprofits (hospitals mostly) and is going to have a lot of opposition. That will be led by the League of Cities and Towns, which will argue that cities already have the ability to create these districts and that this language only duplicates and complicates that process in a clear effort to target specific nonprofits.

SB18: Establish workforce housing tax credits. Support. **PASSED Senate Tax Feb. 15. Referred to Senate Finance and Claims. Hearing scheduled for Mar. 20.** Awaiting Executive action. 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. Hearing in House Judiciary Mar. 21 8:00 a.m. No issues seen as this bill moves forward.** Formalizes process for submission and requirements for testing sex assault kits. MacDonald testified in support. MacDonald will continue to testify in support. No problems expected with the bill.

SB254: Revise laws regarding chief municipal judges: SUPPORT. **Bill passed Senate Judiciary on Feb. 21 with a unanimous vote. First reading in House Administration on Feb. 28.** No action since first house reading. 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.

SB315: Revise laws on public defender assignments related to local ordinances. **Passed Senate Feb. 27, transmitted to House. Hearing in House Local Government on Mar. 21 3:00 p.m. room 472.**

HB6: Renewable resource grants. Strong support. Dale reviewed. Fiscal note printed. PASSED second reading in the House March 22 on vote of 99-0.

HB16: Establish affordable housing loan program. Support. **MacDonald testified Senate Taxation. Bill concurred as amended Mar. 12.** Was amended in Senate Tax in a bad way. Proponents of the initial legislation intend to let it get back to the House with the Senate amendments and seek a 'do not concur' vote in order to get it to a working committee to fix.

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.

HB146: Establish laws regarding sanctuary cities in Montana. Oppose. **PASSED House Judiciary committee. Transmitted to Senate. Hearing held in Senate Judiciary Mar. 22. 9 a.m. room 303. Awaiting executive action.** 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. No action since second reading Feb. 13.** Same as above.

HB192: Revise laws related to privacy in communications. SUPPORT. **Passed House. Referred to Senate Judiciary Feb. 21. Bill concurred as amended unanimously on Mar. 15. Bill is now in Senate and Finance Claims after passing Senate Judiciary and second-reading** 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.

HB325: Generally revise firearm laws. OPPOSE. **PASSED House Judiciary. Feb. 15. PASSED second reading 58-41 on Feb. 19. Passed third reading Feb. 21. Passed Senate Judiciary March 20.** MacDonald, along with the League and others testified against the bill March 15 in Senate Local Gov't. 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 in Senate Judiciary scheduled March 15 at 9 a.m. room 303.**

HB379: Establish working animal protection act. MONITOR/ OPPOSE. **Heavily edited version passed Local Government on an 9-8 vote. Transmitted to Senate. Hearing in Senate Local Government Mar. 18. 3:00 p.m. Awaiting executive action** 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 Hearing in Senate Taxation Mar. 20. Awaiting executive action.**

HB462: Revise administration of tax increment financing districts. Oppose. **Passed House Taxation. Transmitted to Senate Feb. 27. Referred to Senate Taxation. Hearing Mar. 20. Awaiting executive action.**

HB481: Revising the clean indoor air act relating to private establishments. OPPOSE. **Passed Third House Reading 52-46. Headed to the Senate. Hearing in Senate Business, Labor, and Economic Affairs Mar. 14. Awaiting executive action.** MacDonald and others continue to work with members of the Senate Business committee to see if we can’t kill it there. We need a couple of R votes.

HB567: Establish Montana school marshal program. Oppose. **Hearing scheduled in Senate Judiciary Mar. 28. 9:00 a.m. room 303.** MacDonald will testify in opposition.

Bills DOA:

HB483: Generally revise absolute liability laws. Oppose. **TABLED in House Judiciary Committee.** MacDonald testified against on Mar. 13, along with representatives from the county attorneys and law enforcement. Another bill that Rep. Read brought on behalf of several anti-government fringe constituents.

HB120: Revise local government authority of certain speed limits. SUPPORT. **TABLED in Senate Highways and Transportation after strong support on the House side.** The bill simply allows local governments to lower speed limits on highways in “urban” areas. No executive action yet.

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.

HB15: Revise laws related to nonmotorized vehicle and mobile home disposal. SUPPORT. **Tabled in committee Mar. 11.**

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.

HB232: Revise assessment of taxes during condemnation proceedings. OPPOSE. **Tabled in Senate Taxation committee Mar. 12.** MacDonald opposed along with the League and MACO. There were no supporters. Significant efforts by Missoula and the League seemed to have convinced Senate Local Gov't that this was a bad idea. Sen. Barrett instrumental in helping get this killed in committee as well.

HB236: Generally revise building code program laws. SUPPORT. **Tabled in Senate Local Government committee Mar. 12.** 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.

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.**