

WEEKLY REPORT
Bozeman
Week Ending 2-19-2021

WEEK IN REVIEW

HB112: Require interscholastic athletes to participate under sex assigned at birth.

Position: OPPOSE

Referred to Senate Judiciary. No hearing set.

A fiscal note has been requested.

HB121: Require elected official approval of local health board and officer actions.

Position: SUPPORT as AMENDED

Hearing set for 2/22 in House Business and Labor

Passed House Local with amendments and now REFERRED to House Business and Labor

One of the measures intended to put controls on the abilities of local health boards. Considered the least “offensive” of a series of these bills, local government interest worked to get this one amended to a place where it could be the one we could live it. The League is taking the lead, but may request help from us.

HB240: Revise state income tax deductions for certain dependents

Position: OPPOSE

Passed House Second Reading 2/19 52-48

We did not get an opportunity to testify on this bill but have been attempting to work it in the hall and got some R votes to go our way on second reading. The bill is essentially an attempt at voter suppression, forcing college students who move to another community to choose between allowing their parents to claim them as dependents or voting in their new community.

HB257 Revise laws relating to government mandates and businesses

Position: OPPOSE.

Passed House on 3rd Reading on 2/18.

Another in a series of bills clearly related to local government COVID health orders. The League took the lead on this and it was believed this bill was going to die as another version, which local governments had worked on, would instead be allowed to move forward. League will likely continue to lead efforts on the Senate side, but we should be prepared to assist.

HB269: Require elected official approval of sanitation-related local health board rules.

Position: OPPOSE

Passed House Second Reading 59-40 on 2/19

Another bill intended to limit local approval of health board rules – this one related to sanitation issues.

HB281: Revise laws related to E bikes.

Position: OPPOSE or AMEND

Passed House on 2/16

Missoula raised concerns with the edited version of this bill. The bill originally would not have affected local governments, but an amendment added in House Highways and Transportations essentially allows E-bikes on what are supposed to be hiking and non-motorized use trails. We will visit with the sponsor to see if the language can be returned to the original.

HB338: Generally revise certification laws of trash/waste management companies.

Position: OPPOSE

Hearing held 2/18.

MacDonald was set to testify, but spoke with the lobbyists for Republic and the Montana Solid Waste Contractors Association immediately before the hearing. We determined best to not be in the room and instead help kill the bill in the halls. The bill had many opponents, well-organized, and indications from committee members after the hearing is the bill is likely in trouble.

HB352: Revise laws related to conservation easements.

Position: OPPOSE

Hearing Held 2/16. MacDonald testified in opposition. Opponents were numerous and included a cross section of property rights groups, conservative landowners, land trusts and others. Bill is in trouble.

HB359: Revise net-metering laws.

Position: OPPOSE

Bill WITHDRAWN by sponsor.

Sponsor told the committee to table his bill after massive opposition. (Sponsor claims he was told his bill got more online opponents than any other bill so far this session). The bill would change how those on net metering are paid for the electricity they return to the grid, reducing the payments and extending the pay-back period for communities and others that invested in net metering systems.

HB407: Establish a statewide uniformity for auxiliary container regulations.

Position: OPPOSE

Hearing held 2/18

This is an ALEC bill to ban local governments from adopting restrictions or bans on plastic bags, etc. Unfortunately, Missoula and Bozeman were the only opponents, and the bill was supported by several business groups, including the Montana Retail Association.

HB427: Provide for youth health protection.

Position: OPPOSE

Introduced. Hearing not set. In Rules debate

This is the controversial reincarnation of a controversial bill we already killed once (HB113), prohibiting surgical procedures for the treatment of gender dysphoria in minors. The only significant difference is this bill does not include bans on “certain medications” or non-surgical “treatment.”

SB174: Revise laws related to local subdivision review.

Position: OPPOSE

Hearing Held 2/15

We are following the League’s lead on this one and working in the halls. Imposes new and unworkable rules for required conditions to approve or deny a subdivision

SB178: Prohibiting state building codes from requiring mandatory fire sprinklers.

Position: OPPOSE:

Passed Senate 2/17.

Missoula and Bozeman fire departments have raised concerns about this bill. Bozeman fire testified. Unilaterally removes code requirements without fully understanding the causality of such action. Appears to be an effort to reduce buildings costs at the expense of safety. MacDonald and Rossi will work to defeat on the House side.

HB243: Generally revise laws related to law enforcement.

Position: Missoula SUPPORT MONITOR for BOZEMAN

Referred to Senate Judiciary after 100-0 House vote

This bill was requested by the City of Missoula Police Chief to address the use of reserve officers in a limited capacity as court security officers

SB246: Generally revise requirements for electrician licensing.

Position: AMEND

Bill TABLED 2/18

Intent was to require licensed electricians to install or repair certain public traffic and street lights, but exempted public employees working on equipment owned by a government. We worked with DOT to craft an amendment to deal with the additional issue of city employees on contract to maintain DOT equipment within a city. The committee tabled the bill without the amendment.

HB259: Revise property and zone laws

Position: OPPOSE

Passed House 64-35 and Transmitted to Senate.

We are taking our fight to the Senate on this bill. Despite confirmations from three Republican members of House Local Government that they would oppose the bill, one of the strongest

GOP opponents flipped from a solid no to a “reluctant yes” the day of the hearing. We are working with the League to see if we can secure one or two Republicans on the Senate Local Government committee. Will be reaching out to business leaders in our communities when this is set for hearing.

HB319: Revise dates for special purpose elections.

Position: SUPPORT

Passed the House 98-11 on 2/18

Proposed by City of Bozeman to allow certain special purpose elections be held on general election dates.

HB428 (LC3238) An act creating a statutory duty for public safety officers to arrest individuals already in custody who are the subject of immigration detainer requests.

Position: OPPOSE

Hearing held 2/18.

This bill was on our list last week for review when language came out. Language didn't appear, however, until 2/16 and the bill was quickly referred to committee and heard on 2/18. We were not able to attend, but Lynch with the League did.

SB77: Revise allowable special district assessment methods.

Position: OPPOSE AS IS. SUPPORT WITH AMENDMENTS

Tabled in Committee 2/12

League took the lead in the committee.

Kelly Lynch had an agreement with the sponsor for amendments that would address the concerns communities and the League have. The amendments were not adopted and the committee instead tabled the bill. Best outcome possible.

NEW BILLS OF CONCERN OR INTEREST:

SB280: Revise vital statistics laws regarding sex designation on birth certificates.

Position: OPPOSE

Hearing Set for 2/25

Another in a series of anti-transgender bills. This would allow a person to amend the designated sex on a birth certificate only after receiving a “certified copy of an order from a court” that the sex of a person born in Montana has been changed by surgery.

LC1327: Revise qualified immunity laws

Position: NEES REVIEW. Language is now available

HB422 (LC1539): Authorize municipalities to operate broadband utilities

Position: SUPPORT

Scheduled for Hearing 2/23

Rep. Kelly Kortum of Bozeman is proposing this bill and seeking support from local governments. Bozeman is working with him to provide support and testimony.

HB464 (LC3168): Repeal local option gas tax

Position: RECOMMEND OPPOSE

This bill would repeal the ability of county governments to adopt by resolution a local option fuel tax. While this is a county tax provision, we may want to join MACO if they oppose.

STATUS OF OTHER BILLS OF INTEREST

HB21: Authorize funding for the multifamily coal trust home loan program.

Position: SUPPORT.

Passed Third Reading 57-42. Hearing in Senate Finance and Claims held 2/2. Awaiting Executive action.

Need to continue to monitor and help out as needed if there are any signs of weakening support.

SB127: Revise laws on the selection of municipal court judges

Position: OPPOSE/AMEND

Missoula and Bozeman have both expressed concerns with the fiscal impacts of requiring all judges – even part-time judges – to be elected rather than appointed. This bill sailed through the Senate earlier and our initial efforts to get amendments to allow “special masters” similar to District Court, were rebuffed by the sponsor. They’ve also not been very popular with cities. Now in House Judiciary, we have proposed the amendments again. We will continue to monitor. This bill has strong support as is and we are not optimistic about getting the amendments or getting it killed.

STATUS OF PRIORITY ISSUES:

AFFORDABLE HOUSING: Our strategy continues to be largely defensive as we continue efforts to prevent legislation that would limit affordable housing options. We were successful in defeating Rep. Tenebaum’s HB134 . Rep. Vinton’s HB259, as noted above, unfortunately has passed the House and we are adjusting efforts to kill this on the Senate side.

Other legislation good for affordable housing, specifically HB21, continues to move forward. Our local option proposal, LC2411, ties directly to affordable housing as well as is advancing. (See below). We will also continue to support any other efforts that align with our goals.

LOCAL OPTION: LC2411 Sen. Pope Introduced his bill on 2/19 We expect a hearing date sometime the following week. MacDonald and Rossi had another strategy call set with the

senator for 2/16 to discuss efforts and arguments and have circled back with allies and clients to begin discussing who should testify and what topics we need to cover.

PROPERTY TAX RELIEF: LC2411 continues to be our major push for property tax relief at this point. We continue to watch and be concerned about bill drafts proposing additional shifts of property tax burden on to residential taxpayers.